

ORDINANCE 99-37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS: ARTICLE 1 (GENERAL PROVISIONS); ARTICLE 3 (DEFINITIONS); ARTICLE 4 (DECISIONMAKING AND ADMINISTRATIVE BODIES); ARTICLE 5 (DEVELOPMENT REVIEW PROCEDURES); ARTICLE 6 (ZONING DISTRICTS); ARTICLE 7 (SITE DEVELOPMENT STANDARDS); ARTICLE 8 (SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS); ARTICLE 9 (ENVIRONMENTAL STANDARDS); ARTICLE 11 (ADEQUATE PUBLIC FACILITY STANDARDS); ARTICLE 14 (ENFORCEMENT PROCEEDINGS AND PENALTIES); ARTICLE 15 (TRAFFIC PERFORMANCE STANDARDS); ARTICLE 16 (HEALTH DEPARTMENT REGULATIONS); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare, and safety of the existing and future residents by enacting and enforcing land development and administrative regulations necessary for the protection of the public; and

**WHEREAS**, Palm Beach County Ordinance 92-20 provided for the adoption of the Unified Land Development Code on June 16, 1992, pursuant to Section 163.3202, Florida Statutes to further growth management requirements; and

**WHEREAS**, Chapters 125 and 163, Florida Statutes, grant authority to the Board of County Commissioners to adopt and enforce land development regulations within the unincorporated area of Palm Beach County; and

**WHEREAS**, current information and increased population require re-evaluation and adoption of updated development standards; and

**WHEREAS**, the Board of County Commissioners has mandated that County staff conduct periodic reviews of the Unified Land Development Code to evaluate its various provisions and propose amendments to resolve new or outstanding issues and comply with the Comprehensive Plan, State Statutes and federal law; and

**WHEREAS**, the Board of County Commissioners has determined that it is in the best interest of public welfare to ensure developments are constructed and continuously operated in accordance with the Unified Land Development Code, conditions of approval and adequate public facilities; and

**WHEREAS**, there exists a need to modify and clarify the process for monitoring certain conditions of development approval and for the monitoring of final site and subdivision plans; and

**WHEREAS**, the Board of County Commissioners has determined that new development patterns should be accommodated by the Unified Land Development Code to respond to market demand, encourage economic development, provide incentive for redevelopment, and to utilize vacant or under-utilized buildings while maintaining the integrity of the zoning district through reasonable restrictions and development regulations; and

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1           **WHEREAS**, the proposed amendments to the ULDC have been reviewed by the  
2 Citizens Task Force at public workshops and recommendations of the Citizens Task Force  
3 were forwarded to the Board of County Commissioners; and

4           **WHEREAS**, the Board of County Commissioners determines the proposed  
5 amendments will improve the procedures and standards of the Unified Land Development  
6 Code; and

7           **WHEREAS**, the Citizens Task Force, sitting as the Land Development Regulation  
8 Commission, finds that this amendment to the Unified Land Development Code is consistent  
9 with the Comprehensive Plan; and

10           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

12           **PART 1** The Unified Land Development Code of Palm Beach County is amended as follows:

13           **SUBPART 1 Section 1.7.C.2.a., General Provisions, Nonconforming Uses, Minor**  
14           **Nonconforming Use, Enlargement or expansion, Prohibited in district**  
15           **is amended to add and delete language as follows:**

- 16           a. **Prohibited in district.** A minor nonconforming use prohibited in the district in which it  
17 is located may be expanded on one (1) occasion, through the administrative variance  
18 process by the DRC, as established in Sec. 5.7.G. The administrative variance ~~The~~  
19 expansion shall be permitted provided that the enlargement or expansion complies with  
20 Art. 11, Adequate Public Facilities Standards, would not exceed ten (10) percent of the  
21 floor area of that individual structure or ten (10) percent of the original assessed value  
22 of the structures on site, whichever is less.

23           **SUBPART 2 Section 3.2., Definitions is amended to add and delete language as**  
24           **follows:**

25           Consistency. Consistency shall be determined pursuant to Florida Statutes, Sec 163.3194.

26           ...

27           **Eighty (80) percent built out.** For the purpose of Concurrency, eighty (80) percent built out  
28 means the evaluation of the entire project as follows:

- 29           a. **Non-residential:** The square footage built is equal to or exceeds eighty (80) percent of  
30 the square footage for the entire project approval or on the project's current Concurrency  
31 Exemption Certificate. For non-residential projects, the percentage is calculated by  
32 dividing the square footage built by the total approved square footage;  
33           b. **Residential:** The number of dwelling units built is equal to or exceeds eighty (80)  
34 percent of the number of dwelling units for the entire project approval or on the project's  
35 current Concurrency Exemption Certificate. For residential projects, the percentage  
36 is calculated by dividing the units built by the total units approved.

37           ...

38           **GLA (Gross Leasable Area)** means the Gross Floor Area minus the floor area of: elevator  
39 shafts and stairways; public restrooms; public lobbies, common mall areas, atriums and  
40 courtyards provided solely for pedestrian access to the building from the exterior, and/or  
41 aesthetic enhancement or natural lighting purposes; and permanently designated corridors.

42           **Real estate sales model, non planned development** means a single family residential unit  
43 used for real estate marketing, real estate sales, builder's office, and other services directly  
44 associated with the sale of a residential unit and limited to geographic areas enumerated in  
45 Sec. 6.4.D.73.2.

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1 SUBPART 3 Section 4.5.D.5., Decisionmaking, Administrative and Enforcement  
2 Bodies, Board of Adjustment, Officers; quorum; rules of procedure is  
3 amended to add and delete language as follows:

4 5. **Quorum and voting.** No meeting of the Board of Adjustment shall be called to order,  
5 nor may any business be transacted by the Board of Adjustment without a quorum  
6 consisting of a majority of the members of the Board of Adjustment being present. All  
7 actions shall require a simple majority of the members of the Board of Adjustment then  
8 present and voting, ~~except that four (4) affirmative votes shall be necessary in order~~  
9 ~~for any variance to be adopted by the Board of Adjustment.~~ In the event of a tie vote,  
10 the proposed motion shall be considered to have failed. No member shall abstain  
11 from voting unless there is a conflict of interest pursuant to Sec. 4.5.C.6 of this Code,  
12 or Sec. 112.01 et. seq., Fla. Stat.

13 SUBPART 4 Section 5.2., Development Review Procedures, Site Specific (Future  
14 Land Use Atlas) Comprehensive Plan Amendments is amended to add  
15 language as follows:

16 D. Procedure.

17 1. **Preapplication conference.** A potential applicant for a Site Specific amendment  
18 may request in writing an optional preapplication conference with the Planning  
19 Director. Prior to the optional preapplication conference, the applicant shall provide  
20 to the Planning Director a description of the character, location and magnitude of  
21 the proposed amendment and any other information the potential applicant deems  
22 relevant. The purpose of the preapplication conference is to acquaint the potential  
23 applicant with the requirements for a Site Specific amendment. The substance of  
24 the optional preapplication conference shall be recorded in a summary prepared  
25 by the Planning Director. The summary letter shall be mailed to the applicant by the  
26 Planning Director within seven (7) working days after the optional preapplication  
27 conference. The summary shall set forth the subjects discussed at the  
28 preapplication conference and the County's position in regard to the subject matters  
29 discussed as well as the review procedures and timelines that generally apply to the  
30 proposed development.

31 2. **Timing.** An application by a property owner for a Site Specific amendment shall be  
32 accepted for review and processing twice each year. That date shall be announced  
33 four (4) months in advance by the BCC. There shall be two (2) exceptions to this timing  
34 requirement. An amendment shall be considered at any time if it is directly related to  
35 a development of regional impact (DRI), including a substantial deviation for a DRI. ~~A~~  
36 ~~small scale development amendment shall also be considered at any time subject to~~  
37 ~~Chapter 163, Fla. Stat. Small scale amendments will be processed on a quarterly~~  
38 ~~basis with the closing deadlines in February, May, August and October.~~ Nothing in this  
39 section shall be deemed to require favorable consideration of the amendment solely  
40 because it is related to a development of regional impact or because it is a small  
41 scale development amendment.

42 ...

43 7. **Notice.** Notice of a proposed amendment for any public hearing shall be provided by  
44 publication of advertisement, mailed notice and posting as pursuant to the terms of  
45 this section. The Planning Director shall notify the Intergovernmental Plan Amendment  
46 Review Clearinghouse (IPARC) of proposed land use amendments pursuant to the  
47 Comprehensive Plan Amendment Coordinated Review Interlocal Agreement.

48 ...

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c. **Posting.** The land subject to the application shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice sign shall be posted for each one hundred (100) feet of frontage along a street up to a maximum of ten (10) signs. five hundred (500) feet of frontage (for large scale amendments) along a public street All signs Notice shall be evenly spaced along the street or in a location acceptable to the Planning Director. All signs shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public ~~on each street side of the land subject to the application.~~ Signs shall be posted in a location acceptable to the Planning Director. ~~Where the land does not have significant frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. If the change in land use is being requested by a public agency, the Local Planning Agency, or the BCC, signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. The notice shall contain a map indicating the boundaries of the subject property. The signs shall be removed by the applicant after the BCC transmittal hearing date (adoption hearing date for small scale development amendments). The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the BCC.~~

...

At the time the land use change is initiated by the BCC, the Planning Director shall make a recommendation as to the level of notification for the specific change....

...

#### 11. Conduct of hearing....

##### c. Continuance or postponement of public hearing for Small Scale Development Amendments.

(1) **Entitlement continuances.** An applicant shall have the right to request and be granted one (1) entitlement continuance, of no more than sixty (60) days, of the ~~LUAB LPA~~ public hearing without an additional fee; provided that the request is made in writing at least ~~fifteen (15)~~ twenty (20) working days prior to the hearing. Additionally, an applicant shall have the right to request and be granted one (1) entitlement continuance, of no more than sixty (60) days, of the BCC Adoption public hearing; provided that the request is made in writing at least ~~fifteen (15)~~ twenty (20) working days prior to the hearing and is submitted along with an additional set of the required five hundred (500) foot public notice envelopes (per Section 5.2.D.8.7.b). The Planning Division will honor entitlement continuances administratively.

(2) **Non-entitlement continuances.** The body conducting the public hearing may on its own motion, or at the request of any applicant or the Planning Director, continue the public hearing or meeting to a fixed date, time and place. All non-entitlement continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. The applicant and shall be subject to a fee as established by the BCC upon the second non-entitlement continuance. Any request for a subsequent continuance must be submitted in writing at least fifteen (15) working days prior to the hearing along with an The applicant shall be required to provide an additional set of the required five hundred 500 foot public notice envelopes. Any application not heard within nine (9) months of submittal shall be administratively withdrawn by the Planning Director.

(3) **Concurrent rezoning petitions.** Delays in zoning applications being certified by the DRC ~~Development Review Committee~~ shall be ~~considered valid~~

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grounds for requesting result in an administrative postponements of the BCC public hearing on a small scale development amendment until such time that the item is certified. However, at no time shall an amendment application be permitted to remain in the review process for longer than nine (9) months.

(4) **Administrative withdrawal.** Any application not heard by the BCC within nine (9) months of submittal shall be administratively withdrawn by the Planning Director, unless otherwise determined by the BCC.

**d. Continuance or postponement of Large Scale Amendments.**

(1) **Entitlement continuances.** An applicant shall have the right to request and be granted one (1) entitlement continuance to subsequent amendment round and will be subject to a fee as established by the BCC; provided that the request is made in writing at least twenty (20) working days prior to the LPA public hearing. In order to provide most current data, the applicant of an amendment postponed to the next round shall be required to submit a revised application with new traffic and market analysis upon the next window closing date.

(2) **Non-entitlement continuances.** Only one non-entitlement continuance into the next amendment round shall be permitted and will be subject to a fee as established by the BCC. The body conducting the public hearing may on its own motion, or at the request of any applicant or the Planning Director, postpone the amendment to the next round. All non-entitlement continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. In order to provide the most current data, the applicant of an amendment postponed to the next round shall be required to submit a revised application with new traffic and market analysis upon the window closing date.

(3) **Administrative withdrawal.** Any application not heard by the BCC in the following amendment round will be administratively withdrawn by the Planning Director, unless otherwise determined by the BCC.

~~e. d.~~ **Withdrawal of applications...**

~~f.~~ **e. Record....**

**SUBPART 5 Section 6.2.D., District Purposes, Urban residential districts is amended to add language as follows:**

**1. Agricultural uses in the Urban Service Area (USA).**

a. **Applicability** .Uses existing at the time of adoption of the ordinance permitting agricultural uses in the urban services area shall be considered to be conforming. Any expansion of existing agricultural uses and any new agricultural uses shall be consistent with all applicable requirements and subject to review by the appropriate staff or review board as identified in the ULDC. The AR Zoning District shall be considered consistent with all Future Land Use designations in the Urban Service Area for the purpose of permitting agricultural uses.

...

**SUBPART 6 Section 6.4.D., Zoning Districts, Use Regulations and Definitions, Supplementary Use Standards is amended to add language as follows:**

...

**17.1 Camping cabin** means an accessory use for in ~~r~~Recreational ~~v~~Vehicle ~~p~~Parks Planned Development Districts, which consists of a rental cabin used for sleeping temporary occupancy. A camping cabin shall comply with the following supplementary use regulations.

a. **Structure.** The cabin shall comply with all structural regulations of the Palm Beach County Building Code.

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- 1       b. **Duration.** ~~No person shall be permitted to reside in any camping cabin for more than~~  
2       ~~thirty (30) consecutive days, and not more than sixty (60) days in any one-year period.~~  
3       Time limitations shall be in accordance with the regulations for Recreational Vehicle  
4       Park Planned Development Districts of Sec. 6.8.H.6.(2)(a) (Planned Development  
5       District Regulations).
- 6       c. **Setbacks.** ~~Camping cabins shall be setback a minimum of twenty-five (25) feet from the~~  
7       ~~boundary of the park and shall meet the setbacks required of for the recreational~~  
8       ~~vehicles.~~
- 9       d. **Location.** A camping cabin may be located on a recreational vehicle ~~pod~~ lot in lieu of  
10       a recreational vehicle.
- 11       e. **Size.** ~~A camping cabin shall be no more than four hundred square feet including outside~~  
12       ~~porch area:~~  
13       Floor area. A camping cabin shall not exceed six hundred (600) square feet of gross  
14       floor area.
- 15       f. **Additional floor area.** Floor area under a solid roof that is utilized as a porch, patio,  
16       porte cochere, or carport shall not exceed four hundred (400) square feet.
- 17       —f. g. **Amenities.** A camping cabin may contain electrical outlets, heating, and air  
18       conditioning units and fans. In addition, a maximum of ten (10) camping cabins may  
19       also contain cooking facilities and plumbing. ~~but cooking facilities and plumbing are~~  
20       ~~prohibited.~~
- 21       —g. **Permit.** ~~A tiedown permit must be obtained from the building department.~~
- 22       —h. **Occupancy.** ~~A minimum of 50 square feet under roof shall be provided for each~~  
23       ~~occupant of the cabin.~~
- 24       —i. h. **Limitation.** A maximum of ten (10) percent of the total approved and developed  
25       lots may be converted to cabin use.
- 26       ...
- 27       26. **Convenience store** means an establishment, not exceeding three four thousand five  
28       hundred (~~34~~,500) square feet of gross floor area, serving a limited market area and  
29       engaged in the retail sale or rental, from the premises, of food, beverages, and other  
30       frequently or recurrently needed items for household use, excluding gasoline sales. A  
31       convenience store use shall comply with the following supplementary use standards....
- 32       27. **Convenience store with gas sales** means an establishment, not exceeding three four  
33       thousand five hundred (~~34~~,500) square feet of gross floor area, serving a limited market  
34       area and primarily engaged in the retail sale or rental, from the premises, of food,  
35       beverages, and other frequently or recurrently needed items for household use, including  
36       accessory gasoline sales. A convenience store with gas sales use shall comply with the  
37       following supplementary use standards....
- 38       a. **Location.** A convenience store with gas sales use shall be subject to the ~~A~~ automotive  
39       service station location criteria of Sec. 6.4.D.15.
- 40       b. **Parking.** If a convenience store greater than one thousand five hundred (1,500) square  
41       feet in gross floor area is associated with the service station, one half (½) of the  
42       additional required parking spaces shall be located adjacent to the store.
- 43       —c. ~~Handicapped parking.~~ ~~In all cases, required handicapped spaces shall be located~~  
44       ~~adjacent to the store.~~
- 45       ...
- 46       47.2 **Guest cottage** means accessory sleeping quarters provided for non-paying guests  
47       by the occupant of a principal single family dwelling unit. ~~A kitchen is not permitted in~~  
48       ~~a guest cottage.~~ A guest cottage shall be considered an accessory use to a single  
49       family home and shall comply with the following supplementary use standards.
- 50       a. **Occupancy.** ~~Occupancy of accessory dwelling guest cottage~~ shall be limited to a non-  
51       paying guest for a period not to exceed eight (8) months per year.
- 52       b. **Number of units.** A maximum of one (1) guest cottage may be permitted as an

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accessory use to a principal single-family dwelling unit. The ~~accessory dwelling guest cottage~~ may be attached to the principal dwelling unit or may be freestanding.

...

- d. **Additional floor area.** Floor area under a solid roof that is utilized as a porch, patio, Porte cochere, ~~or carport, or garage~~ shall not exceed five hundred (500) square feet.
- e. **Kitchen, ~~or cooking~~ or Wet bar facilities.** There shall be no kitchen or cooking facilities contained within the guest cottage (i.e., cooking range, 220 outlet, etc.). A wet bar, including a single bar sink and under-the-counter refrigerator only, and not exceeding ten (10) percent of the gross floor area of the guest cottage, shall be permitted. A wet bar shall not include any type of cooking equipment.
- f. ~~**Architectural style.** The accessory dwelling shall be constructed of materials substantially equivalent to the principal dwelling unit, provided that such materials comply with all other applicable standards of the building code.~~
- f.g. **Compatibility.** The accessory dwelling guest cottage shall be architecturally compatible in character and materials, and be subordinate in size to the principal dwelling unit.
- g.h. **Setbacks.** The accessory dwelling guest cottage shall comply with the minimum yard setbacks applicable to the principal single-family dwelling unit.
- h.i. **No separate ownership.** The accessory dwelling guest cottage shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and shall not be subdivided or sold as a condominium.

...

54. **Kennel, private** means any building used, designed or arranged to facilitate the non-commercial care of domesticated animals such as dogs and cats owned by the occupants of the premises. A private kennel use shall comply with the following supplementary use standards:
- a. **Limitations of use.** A private kennel use shall be limited to domestic animals owned by the occupants of the premises only. The commercial care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. established for non-commercial purposes only; and animals residing in a private kennel shall belong solely to occupants of the premises. Property size and restrictions on numbers of animals shall be regulated according to the PBC Division of Animal Care and Control.
  - b. **Setbacks.** Outdoor runs or non-enclosed structures associated with the private kennel shall not be located within twenty-five one hundred (25100) feet of any property line. Enclosed structures or runs shall comply with the minimum yard setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses.
  - c. **Outdoor runs.** If necessary to protect the general public, safety fences not to exceed of up to a height of six (6) feet shall be required on around outdoor runs. If necessary to protect neighboring property, a landscape screen of at least seventy-five (75) percent opacity. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four (4) feet at installation, shall be provided around the outdoor run.

...

- 73.1 **Real estate sales model, non-planned development** means a single family residential unit used for real estate marketing, real estate sales, builder's office, and other services directly associated with the sale of a residential unit and limited to the areas referenced in c. below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model. A real estate sales office shall be subject to the following supplementary use standards.

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1 **c. Number.** A builder may construct and operate a maximum of two (2) manned and two  
2 (2) unmanned Real Estate Sales models within a platted residential subdivision, or in  
3 one of the following residential areas:

- 4 (1) Jupiter Farms;  
5 (2) The Acreage;  
6 (3) Loxahatchee Groves;  
7 (4) North Palm Beach Heights; and  
8 (5) Palm Beach Country Estates.  
9

10 **h. Parking.** ~~A maximum of ten (10) spaces shall be permitted for each manned sales~~  
11 ~~model. Driveways may be paved. Handicap spaces shall be paved pursuant to Sec.~~  
12 ~~7.2. The driveway and required handicap spaces shall be the only paved parking~~  
13 ~~areas. The unmanned models shall not have additional parking.~~

14 **i. Landscaping.** ~~Landscaping shall be required pursuant to Sec. 7.3, and one of the~~  
15 ~~following requirements:~~

- 16 ~~(1) a minimum twenty-four (24) inch continuous hedge which shall screen parking~~  
17 ~~areas, or~~  
18 ~~(2) an Alternative landscape plan may be submitted in accordance with Sec. 7.3.~~

19 **ji. Outdoor storage....**

20 **kj. Completion agreement....**

21 **lk. Electrical service....**  
22

23 **SUBPART 7 Section 6.8.A., Zoning Districts, Planned Development District**  
24 **Regulations, Table 6.8-2 is amended to add and delete language as**  
25 **follows:**

26 (This space intentionally left blank)

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TABLE 6.8-2  
PLANNED DEVELOPMENT DISTRICT  
USE REGULATIONS SCHEDULE

		Use Type	Planned Development Zoning District																								NOTE
			PUD					TND					MXP				MUP				PIP			MHP	RVP	SWP	
			PODS					Use Zone					Land Use Category				Land Use Category				Use Zone						
			REC	RES	CIV/P	COM	AGR/P	RES	CIV/P	SHOP	WORK	SECT	CLLO	CLHO	CH	RR	CLLO	CLHO	CH	CH	CH	IND	INST				
Air curtain incinerator, temporary																											
Amusements, temporary or Special event																											
Assembly, nonprofit institutional																											
Assembly, nonprofit membership																											
Church or place of worship																											
College or university																											
Communication panel antennas, building mounted																											
Communication tower, commercial																											
Congregate living facility, Type 3																											
Day care center, general																											
Day care center, limited																											
Funeral home or crematory																											
Government services																											
Heliport or helipad																											
Hospital or medical center																											
Nursing or convalescent facility																											
Park, passive																											
Park, public																											
Recycling collection station																											
Recycling drop-off bin																											
Restaurant, specialty																											
School, elementary or secondary *not permitted in AGR-PUD																											
Solid waste transfer station																											
Transportation facility																											
Type II Excavation																											
Utility, minor																											

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	Use Type	Planned Development Zoning District																				NOTE							
		PUD					TND					MXPD				MUPD							PIPD			MHPD	RVPD	SWPD	
		PODS					Use Zone					Land Use Category				Land Use Category							Use Zone						
		REC	RES	CIV/P	COM/P	AGR/P	RES	CIV/P	SHOP	WORK	SECT	CLLO	CLLO	CHHO	CHHO	RR	CLLO	CLLO	CHHO	CHHO	CHHO		IND	IND	IND				IND
Vehicle inspection center					R					R		R		R			R		R		G	<u>R</u>	G	G					<u>96.1</u>
Vocational school *not permitted in the AGR-PUD					R					G		R	R	R			R	G	G		G	<u>D</u>		G					99

Key to Use Regulations Schedule Land Use Abbreviations:

AGR/P = Agricultural Reserve Preservation	COM = Commercial	RR = Rural Residential 10
CH = Commercial High	CR = Commercial Recreation	REC = Recreation
CHO = Commercial High Office	IND = Industrial	SECT = Sector
CIV/P = Privately Owned Civic	IND/G = General Industrial	RES = Residential
CL = Commercial Low	IND/L = Light Industrial	SHOP = Shopfront
CLO = Commercial Low Office	INST = Institutional	WORK = Workplace

Key to Use Regulations Schedule:

D = Subject to DRC      GP = General Permitted Land Use      R = Requested Land Use      S = Special Land Use

SUBPART 8 Section 6.8.A.15.a.(3), Zoning Districts, Planned Development District Regulations, General, Use Regulations, Administrative Categories is amended to add and delete language as follows:

(b) (3) Requested land uses. These uses are required to be indicated on a Preliminary Development Plan, master plan or site plan and shall receive BCC approval. Requested uses shall be subject to the standards of the applicable Planned Development District.

SUBPART 9 Section 6.8.A.20, Zoning Districts, Planned Development District Regulations, General, Phasing controls and platting is amended to add and delete language as follows:

20. Phasing controls and platting. ~~A planned development may be developed in one phase or in multiple phases.~~ Phasing and platting shall be in accordance with Table 5.8-1.

SUBPART 10 Table 6.8-18 is amended to add language as follows:

Table 6.8 - 18 MUPD PROPERTY DEVELOPMENT REGULATIONS									
Land Use Atlas Designation	Minimum District Dimensions			Maximum FAR	Maximum Building Coverage	Minimum Building Setbacks (ft.)			
	Size	Width	Depth			Front	Side*	Street	Rear*
Commercial Low	3 ac.	200'	250'	.35	.25	25'	C - 15' R - 30'	25'	C - 20' R - 30'
Commercial High/ <u>Institutional</u>	5 ac.	300'	300'	.50	.30	30'	C - 15' R - 30'	30'	C - 20' R - 30'

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<u>Use Type</u>	<u>Parking Regulations<sup>1</sup></u>	<u>Loading<sup>2</sup></u>
<b>Residential uses</b>		
<i>Single-family, Zero lot line home, Duplex or Townhouse, Mobile home dwelling</i>	<i>2 spaces per unit</i>	<i>N/A</i>
<i>Multi-family</i>	<u>1 space per efficiency unit;</u> <u>2 spaces per unit (one bedroom or more);</u> <u>plus 1 guest parking space per 4 units with common parking areas.</u>	<i>N/A</i>
<i>Accessory dwelling</i>	<u>1 space per unit</u>	<i>N/A</i>
<i>Congregate living facility, Type 1, Type 2*, Type 3*</i>	<u>1 space per three beds;</u> <u>plus 1 space per 200 sq. ft. of office space</u>	<i>N/A</i> <u>C*</u>
<i>Farm residence</i>	<u>2 spaces per unit</u>	<i>N/A</i>
<i>Farm worker quarters</i>	<u>1 space per 4 units</u>	<i>N/A</i>
<i>Grooms quarters</i>	<u>1 space per unit</u>	<i>N/A</i>
<i>Guest cottage</i>	<u>1 space per cottage</u>	<i>N/A</i>
<i>Nursing or convalescent facility</i>	<u>1 space per three beds;</u> <u>plus 1 space per 200 sq. ft. of office space</u>	<u>A</u>
<i>Security or caretaker quarters</i>	<u>1 space per unit</u>	<i>N/A</i>
<u>Use Type</u>	<u>Parking Regulations</u>	<u>Loading</u>
<b>Agricultural uses</b>		
<i>Agricultural research/development</i>	<u>1 space per 1000 sq. ft.</u>	<u>B</u>
<i>Agricultural sales and service</i>	<u>1 space per 250 sq. ft.</u>	<u>A</u>
<i>Agricultural transshipment</i>	<u>1 space per 2000 sq. ft.</u>	<u>A</u>
<i>Community vegetable garden</i>	<u>4 spaces per garden</u>	<i>N/A</i>
<i>Equestrian arena, commercial</i>	<u>1 space per 3 seats</u>	<i>N/A</i>

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Use Type		
<u>Agricultural uses</u>	<u>Parking Regulations</u>	<u>Loading</u>
Kennel, commercial	<u>1 space per 500 sq. ft. of cage and retail area</u>	N/A
Nursery, retail	<u>1 space per 200 sq. ft. of retail and office area;</u> <u>plus 1 space per 200 sq. ft. of retail area</u>	<u>B</u>
Nursery, wholesale	<u>1 space per 20,000 sq. ft. of nursery area</u>	<u>B</u>
Packing plant	<u>1 space per 2000 sq. ft.</u>	<u>A</u>
Potting soil manufacturing	<u>2 spaces per acre; minimum of 5 spaces</u>	<u>A</u>
Stable, commercial	<u>1 space per 500 sq. ft.;</u> <u>plus 1 space per 4 animal stalls</u>	N/A
Sugar mill or refinery	<u>1 space per 2000 sq. ft.;</u> <u>plus 1 space per 200 sq. ft. of office space</u>	<u>N/A</u>
Use Type		
<u>Public and Civic uses</u>	<u>Parking Regulations</u>	<u>Loading</u>
Airport, landing strip or heliport	<u>1 space per tie-down and hangar space, minimum of 5 spaces</u>	<u>C</u>
Assembly, nonprofit institutional, membership	<u>1space per 3 seats</u>	<u>A</u>
Cemetery	<u>1 space per 200 sq. ft. of office space;</u> <u>plus 1 space per 500 sq. ft. of maintenance area;</u> <u>plus a minimum of 5 public spaces</u>	<u>N/A</u>
Church or place of worship	<u>1 space per 3 seats (schools, auditoriums, day care centers, and other principal uses calculated separately)</u>	<u>N/A</u>
College or university	<u>1 space per 2 students;</u> <u>plus 1 space per 4 seats in gymnasiums and</u> <u>auditoriums;</u> <u>plus 1 space per 200 sq. ft. of administrative and</u> <u>educational office space</u>	<u>C</u>
Day care center, general	<u>1 space per 250 sq. ft.; plus</u> <u>5 drop off stalls if capacity is 100 or less;</u> <u>10 drop off stalls if capacity is more than 100</u>	<u>N/A</u>
Day care center, limited	<u>1 space per 250 sq. ft.;</u> <u>plus 1 drop off stall</u>	<u>N/A</u>
Government services (except library)	<u>1 space per 200 sq. ft.;</u> <u>or 1 space per 3 seats, whichever is greater</u>	<u>N/A</u>
Hospital or medical center	<u>1 space per 2 beds;</u> <u>plus 1 space per 200 sq. ft. of outpatient treatment area</u>	<u>C</u>

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Use Type		
Public and Civic uses	Parking Regulations	Loading
School, elementary or secondary	In accordance with the State Department of Education requirements for educational facilities	C
Transportation facility; excluding airport	1 space per 200 sq. ft. of office space	N/A
Use Type		
Utilities	Parking Regulations	Loading
Air curtain incinerator, permanent	2 spaces per acre; minimum of 5 spaces	N/A
Air curtain incinerator, temporary	2 spaces per acre; minimum of 5 spaces	N/A
Chipping and mulching	2 spaces per acre; minimum of 5 spaces	N/A
Communication tower, commercial	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
Composting facility	2 spaces per acre; minimum of 5 spaces	N/A
Electrical power facility	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Incinerator	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Recycling center	1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.	N/A
Recycling collection station	2 spaces per station	N/A
Recycling plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Sanitary landfill	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Solid waste transfer station	1 space per 1000 sq. ft.	N/A
Utility, minor	2 spaces per minor utility	N/A
Water or wastewater treatment plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A

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<u>Use Type</u>		
<u>Recreational uses</u>	<u>Parking Regulations</u>	<u>Loading</u>
<i>Amusements, temporary or Special events</i>	<i>1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater</i>	<i>N/A</i>
<i>Arena, auditorium or stadium</i>	<i>1 space per 3 seats</i>	<i>B</i>
<i>Bowling alley</i>	<i>3 spaces per lane</i>	<i>N/A</i>
<i>Campground</i>	<i>1 space per campsite</i>	<i>N/A</i>
<i>Entertainment, indoor (except bowling alley)</i>	<i>1 space per 200 sq. ft.</i>	<i>N/A</i>
<i>Entertainment, outdoor</i>	<i>1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater</i>	<i>N/A</i>
<i>Fitness center</i>	<i>1 space per 200 sq. ft.</i>	<i>N/A</i>
<i>Golf course</i>	<i>4 spaces per hole; plus 1 space per 250 sq. ft. of clubhouse</i>	<i>N/A</i>
<i>Gun club</i>	<i>1 space per target area</i>	<i>N/A</i>
<i>Marine facility</i>	<i>1 space per 250 sq. ft.; plus 1 spaces per wet slip; plus 1 space per 3 dry slips</i>	<i>A</i>
<i>Zoo</i>	<i>1 space per 2000 sq. ft. of land area</i>	<i>N/A</i>
<u>Use Type</u>		
<u>Commercial uses</u>	<u>Parking Regulations</u>	<u>Loading</u>
<i>Adult entertainment</i>	<i>1 space per 200 sq. ft.</i>	<i>N/A</i>
<i>Auction, enclosed</i>	<i>1 space per 200 sq. ft.</i>	<i>C</i>
<i>Automotive paint or body shop</i>	<i>1 space per 250 sq. ft.</i>	<i>N/A</i>
<i>Automotive service station</i>	<i>1 space per 250 sq. ft., excluding bays; plus 2 spaces per repair bay</i>	<i>N/A</i>
<i>Bed and Breakfast</i>	<i>1 space for each guest room; plus 2 spaces per dwelling unit</i>	<i>N/A</i>
<i>Broadcasting studio</i>	<i>1 space per 1000 sq. ft.</i>	<i>N/A</i>
<i>Building supplies</i>	<i>1 space per 200 sq. ft.</i>	<i>B</i>
<i>Car wash and auto detailing</i>	<i>1 space per 200 sq. ft.</i>	<i>N/A</i>
<i>Contractor's storage yard</i>	<i>1 space per 500 sq. ft.; plus 1 space per 5000 sq. ft. of outdoor storage area</i>	<i>A</i>

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Use Type		
Commercial uses	Parking Regulations	Loading
Convenience store, w/ or w/o gas sales	<u>1 space per 200 sq. ft.</u>	C
Day labor employment service	<u>1 space per 250 sq. ft.</u>	N/A
Dispatching office	<u>1 space per 250 sq. ft.</u>	N/A
Financial institution	<u>1 space per 200 sq. ft.</u>	N/A
Flea market, enclosed	<u>4 2 spaces per 200 sq. ft.</u>	C
Flea market, open	<u>1 space per 250 sq. ft. of land area</u>	N/A
Fruit and vegetable market	<u>1 space per 250 sq. ft. including outdoor sales display area</u>	N/A
Funeral home or crematory	<u>1 space per 4 seats</u>	C
Gas and fuel, wholesale	<u>1 space per 250 sq. ft.</u>	N/A
Hotel*, motel*, SRO, Boarding & Rooming House	<u>1.25 spaces per room;</u> <u>(convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately)</u>	<u>C*</u> <u>N/A</u>
Landscape maintenance service	<u>1 space per 500 sq. ft.;</u> <u>plus 1 space per 2500 sq. ft. of outdoor storage area</u>	<u>A</u>
Laundry services	<u>1 space per 200 sq. ft.</u>	N/A
Lounge, cocktail	<u>1 space per 200 sq. ft.</u>	<u>C</u>
Medical office or dental clinic	<u>1 space per 200 sq. ft.</u>	C
Medical or dental laboratory	<u>1 space per 200 sq. ft.</u>	C
Monument sales, retail	<u>1 space per 500 sq. ft.;</u> <u>plus 1 space per 2500 sq. ft. of outdoor storage area</u>	N/A
Office, business or professional	<u>1 space per 200 sq. ft.</u>	N/A
Personal services	<u>1 space per 200 sq. ft.;</u> <u>or 1 per 2 seats, whichever is greater</u>	N/A
Printing and copying services	<u>1 space per 250 sq. ft.</u>	<u>B</u>
Real estate sales model	<u>Maximum 10 spaces per manned sales model</u>	<u>N/A</u>

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Use Type		
Commercial uses	Parking Regulations	Loading
Repair and maintenance, general	<u>1 space per 250 sq. ft.</u>	<u>B</u>
Repair services, limited	<i>1 space per 250 sq. ft.</i>	N/A
Restaurant, fast food	<i>1 space per 3 seats including outdoor seating area</i>	C
Restaurant, specialty		<u>C</u>
Restaurant, quality		<u>C</u>
Restaurant, high turnover sit-down		<u>C</u>
Retail sales, general	<i>1 space per 200 sq. ft.</i>	C
Retail sales, mobile, temporary	<u>Enclosed: 1 space per 200 sq. ft.</u> <u>Open: 50 spaces total or 10 spaces per acre, whichever is greater</u>	N/A N/A
Self-service storage	<u>1 space per 200 storage bays;</u> <u>minimum 5 customer spaces;</u> <u>security quarters calculated separately</u>	N/A
Shopping centers	<u>5 spaces per 1000 sq. ft. GFA (centers with up to 500,000 sq. ft.)</u> <u>5 spaces per 1000 sq. ft. of GLA (centers over 500,000 sq. ft.)</u>	<u>B</u>
Swimming pool	<i>1 space per 50 square feet of pool area; and 1 bicycle parking rack shall be provided</i>	<u>N/A</u>
Tennis courts	<i>1.5 spaces per court; and 1 bicycle parking rack shall be provided</i>	<u>N/A</u>
Theater, drive-in	<u>1 space per 250 sq. ft.</u>	<u>N/A</u>
Towing service and storage	<u>1 space per 500 sq. ft.;</u> <u>plus 1 space per 5,000 sq. ft. of outdoor storage area</u>	<u>A</u>
Vehicle inspection center	<u>1 space per 500 sq. ft.,</u>	<u>N/A</u>
Vehicle sales and rental	<u>1 space per 250 sq. ft. of enclosed area;</u> <u>plus 1 space per 5000 sq. ft. of outdoor sales, rental and display area;</u> <u>plus 2 spaces per service bay</u>	A
Veterinary clinic	<i>1 space per 200 sq. ft., excluding animal exercise areas</i>	N/A
Vocational school	<u>1 space per classroom;</u> <u>plus 1 space per 4 students;</u> <u>plus 1 space per 200 sq. ft. of administration, and assembly area</u>	<u>N/A</u>

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Use Type		
Commercial uses	Parking Regulations	Loading
Wholesaling, general	1 space per 1000 sq. ft.	A
Use Type		
Industrial uses	Parking Regulations	Loading
Asphalt or concrete plant	1 space per 1000 square feet	N/A
Data Information Processing	1 space per 250 sq. ft.	A
Heavy industry	2 spaces per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Laboratory, industrial research	2 spaces per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Manufacturing and processing	2 space per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Motion picture production studio	2 space per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Salvage or junk yard	1 space per 200 sq. ft. of office space; plus 1 space per employee	A
Truck stop	1 truck space per 80 sf.	A
Warehousing	1 space per 1000 sq. ft.; plus 1 space per 200 sq. ft. of office space	A

**Notes for Table 7.2-1**

<sup>1</sup> In addition to the parking requirements of Table 7.2-1, uses with company vehicles shall provide 1 space per company vehicle.

<sup>2</sup> Loading space ratios shall be as required by Sec. 7.2.D.2.

~~— Loading space ratios from Sec. 7.2.D. Off-street loading spaces shall be provided in accordance with the standards of the off-street parking and loading schedule in Table 7.2-1. The letters shown in the "loading" column of the schedule shall correspond to the following ratios:~~

~~— a. Standard "A". One (1) space for the first five thousand (5,000) square feet of floor area; plus one (1) space for each additional thirty thousand (30,000) square feet of floor area;~~

~~— b. Standard "B". One (1) space for the first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional fifteen thousand (15,000) square feet of floor area;~~

~~— c. Standard "C". One (1) space for the first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional one hundred thousand (100,000) square feet of floor area; and~~

~~— d. Standard "D". One (1) space for each fifty (50) beds for all facilities containing twenty (20) or more beds.~~

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SUBPART 12 Section 7.2.C.14., Site Development Standards, Off Street Parking and Loading, Queuing standards is amended to add and delete language as follows:

14. **Queuing and by-pass standards.** In addition to meeting the minimum off-street parking and loading standards of this section, all drive-through establishments shall meet the following standards listed below:

- a. Queuing shall be provided for all drive-through establishments. Each queuing lane space shall be a minimum of ten (10) feet by twenty (20) feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane. One additional queuing space shall also be provided after the point of service for all uses;
- b. A by-pass lane a minimum of ~~twelve (12)~~ ten (10) feet wide shall be provided before or around the point of service if the ~~parking lot is designed for one-way traffic flows.~~ Subject to the Zoning Division's approval, a by-pass lane may not be required if the queuing lane is adjacent to a parking lot lane vehicular use area which could function as a by-pass lane. (See Alternate Solutions to By-Pass Lane Requirement below.) The by-pass lane shall be clearly designated and distinct from the queuing area, and

~~Alternate Solutions To By-Pass Lane Requirement~~

~~Alternate 1: Elimination of the By-Pass Lane by stacking lane (as suggested in the ULDC as alternative solution).~~

~~Alternate 2: Elimination of the By-Pass Lane by integration of the One-Way Parking with the stacking lane.~~

- ~~c. For each lane (not the total for the site), the minimum number of required queuing spaces, including the one accommodating the vehicle being serviced, shall be as provided in Table 7.2-4. Each queuing space shall be a minimum of ten (10) feet by twenty (20) feet in size. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle (that would be located at the point of ultimate service) to the rear of the queuing lane.~~

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**TABLE 7.2-5  
MINIMUM QUEUING STANDARDS**

Use	Number of Spaces	Required By-pass <sup>1</sup>
Drive-Through Financial Institution		
Teller Lanes	5	<u>Y</u>
Automatic Teller Lanes	3	<u>N</u>
Drive-Through Restaurant	7	<u>Y</u>
Minimum before Menu Board	4	
Drive-Through Car Wash		
Automatic	5	<u>N</u>
Self-Service	3	<u>Y</u>
Drive-Through Oil Change	4	<u>Y</u>
Gasoline Pump at Service Station <u>Island</u>	320 Feet of Queuing at Each End of Pump Island	<u>N</u>
Drive-Through Dry Cleaning or Laundry	3	<u>Y</u>
Drive-Through General Retail	4	<u>Y</u>
Commercial Parking Lot	3	<u>N</u>
Vehicular Inspection Station	15	<u>Y</u>

**Notes for Table 7.2-5:**

<sup>1</sup> ALL USES: a by-pass lane shall be required if more than 5 queuing spaces are provided.

...

**SUBPART 13 Section 7.3.F.2.b., Site Development Standards, Landscaping and Buffering, Perimeter landscape requirements, R-O-W buffer is amended to add and delete language as follows:**

- b. ~~Landscaping barriers~~ Walls and fences within R-O-W buffer.** If a wall; ~~or fence or other non-living landscape barrier~~ is used, it shall be located on the interior edge of the required landscape buffer strip. ~~The required landscaping shall be located between the wall or fence, or other non-living barrier and the right-of-way R-O-W.~~ If the placement of the wall ~~or fence or non-living barrier~~ conflicts with a pre-existing dedicated easement, the wall ~~or fence or non-living barrier~~ shall not encroach upon the easement unless consistent with Sec. 6.5.H (Property Development Regulations). Walls ~~or fences~~ shall be setback a minimum of ten (10) feet from the edge of the ultimate R-O-W; unless waived ~~or reduced~~ by the County Engineer ~~and providing that there remains a minimum of five (5) clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten (10) clear feet for planting.~~

**SUBPART 14 Section 11.5, Adequate Public Facilities, Concurrency exemption extension, Authority is amended to add and delete language as follows:**

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1       **B. Authority.** This Section is adopted pursuant to Fla. Stat. Chapters 125 and 163;  
2       F.A.C. Rule 9J-5; the Florida and U.S. Constitutions; the Palm Beach County  
3       Charter; Palm Beach County Ordinance 89-35; and the 1989 Palm Beach County  
4       Comprehensive Plan, specifically: ~~(1) Administration, Concurrency and Density~~  
5       ~~Determination for Committed Development;~~ (21) Land Use, Implementation of the  
6       Land Use Element, Zoning in Compliance/Activities to be in Conformance with  
7       Plan Element Provisions, Section A4: Status of Existing Development  
8       Approvals/Non-Conforming Uses, Structures; and ~~(32)~~ Capital Improvement, Policy  
9       1.2-i(1), 1.2-j, and 1.2-l.

10       ...

11       **E. Applicability....**

12       **2. Exemptions....**

13       ...

14       **b.** If a Certificate of Exemption is granted based on 1) a Development Order  
15       issued prior to January 1, 1984 which is not subject to the requirements of Sec.  
16       5.8 of this Code or 2) a Development Order issued on or after January 1, 1984  
17       which was not subject to the requirements of Sec. 5.8 of this Code, the  
18       Exemption shall expire ~~six (6) years from~~ on the date specified on the most  
19       recent Exemption Extension or December 3, 2000, whichever shall first occur,  
20       ~~the Certificate of Exemption was issued~~ unless the Project is found to be  
21       continuing in good faith in accordance with Sec. 11.6.F. ~~below.~~ Once an  
22       Exemption Extension expires, the remaining unbuilt portion of that project will be  
23       subject to Concurrency review.

24       (1) Projects that are determined to be eighty (80) percent or greater built-out  
25       shall receive a permanent exemption for the remaining unbuilt portion and  
26       further extensions will not be required.

27       (2) Projects less than eighty (80) percent built where the applicant can  
28       demonstrate the project is continuing in good faith in accordance with Sec.  
29       11.5.F. may be granted another extension commencing from the last  
30       expiration date and expiring on December 3, 2000.

31       (3) Projects less than eighty (80) percent built where the applicant can not  
32       demonstrate good faith in accordance with Sec. 11.5.F. by March 31,  
33       1999, will be subject to adequate public facilities (concurrency) review in  
34       accordance with Sec. 11.3.

35       ...

36       **SUBPART 15   SEC. 11.6., Adequate Public Facilities, ADMINISTRATIVE APPEAL**  
37       **PROCESS (DRAB) is amended to add and delete language as**  
38       **follows:**

39       **A. General.** An applicant may appeal a decision of the Zoning Director denying an  
40       application for a Concurrency Reservation, Entitlement Density, or a Concurrency  
41       Exemption Extension by filing a petition with the Zoning Director appealing the  
42       decision to the Development Review Appeals Board (DRAB) within ~~thirty (30)~~  
43       ~~calendar~~ ten (10) working days of the rendition of the decision by the Zoning  
44       Director.

45         
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46         
**PART 2**

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1        **SUBPART 26     Section 4.16.E.5., Decisionmaking, Administrative and Enforcement**  
2                                **Bodies, Citizens Task Force, Meetings, Notice is amended to add**  
3                                **language as follows:**

4                **5. Notice.** Public hearings shall be ~~set for a time certain after due~~ held after public notice  
5                                as defined in Section 163.3164 (18) Florida statutes, as amended from time to time.

6        **SUBPART 27     Section 5.1., Development Review Procedures, General Applicability**  
7                                **is amended to add and delete language as follows:**

8                                ...

9        **B. Applications, fees and deadlines.** Every application for a development permit shall  
10                                be in a form specified by the County official responsible for reviewing the application  
11                                and shall be accompanied by a Concurrency application and a nonrefundable fee as  
12                                is established from time to time by the ~~Board of County Commissioners~~ BCC to defray  
13                                the actual cost of processing the application. Unless a delay is requested or caused  
14                                by a governmental agency through ~~with~~ no fault of the application, an additional fee  
15                                may be charged for all postponed and continued applications, including petitions  
16                                postponed at the request of an applicant or due to submission of incomplete or  
17                                inaccurate information. Annually, the Zoning Director shall promulgate a calendar, as  
18                                may be amended, showing application dates and deadlines consistent with the  
19                                specifications of this Code. This calendar shall govern all dates in the development  
20                                review procedure.

21        **C. Preapplication conference and ~~General Application submission.~~**

22        **1. ~~Purpose General Overview.~~** ~~An initial preapplication conference and submission of a~~  
23                                ~~general application are optional prior to the submission of the initial application for~~  
24                                ~~development permit for land. Prior to submitting the initial application for development~~  
25                                ~~permit, a potential applicant may request in writing a preapplication conference with the~~  
26                                ~~Zoning Director, and other applicable agencies. The purpose of the preapplication~~  
27                                ~~conference is to familiarize the applicant and Palm Beach County with the applicable~~  
28                                ~~County Codes and processes required to completely permit the development proposed~~  
29                                ~~by the applicant. A request for a Preapplication Conference may be made by the~~  
30                                ~~applicant for the purpose of a conceptual site plan review.~~

31        **2. ~~Initiation of request and submission of General Application submission.~~** ~~Prior to~~  
32                                ~~submitting the initial application for development permit, a potential applicant may~~  
33                                ~~request in writing a preapplication conference with the Zoning Director, and other~~  
34                                ~~applicable agencies. Accompanying the preapplication request shall be a General~~  
35                                ~~Application submission in a form established by the Zoning Director or the County~~  
36                                ~~Engineer, as applicable, and made available to the public, and a nonrefundable~~  
37                                ~~application fee that is established from time to time by the Board of County~~  
38                                ~~Commissioners to defray the actual cost of processing the General Application~~  
39                                ~~submission and holding the preapplication conference. The applicant shall specify in the~~  
40                                ~~general application whether the Preapplication Conference is requested for a conceptual~~  
41                                ~~site plan review and shall include in the General Application such additional information~~  
42                                ~~as required by the Zoning Director.~~

43        **3. ~~Contents of General Application submission.~~** ~~This subsection has been deleted.~~

44        **3.4. Scheduling of preapplication conference....**

45                                ...

46        **b.** ~~If or~~ When the General Application submission is determined sufficient, the Zoning  
47                                Director shall schedule a preapplication conference with the applicant.  
48                                The preapplication conference shall be scheduled with the applicant, and the  
49                                Preapplication Conference Committee established for the purpose of providing

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1 input at a preapplication conference. The Preapplication Conference Committee  
2 shall consist of the Zoning Director, and representatives from the Zoning Division  
3 of PZB, the Planning Division of PZB, the Building Division of PZB, the Traffic and  
4 Land Development Divisions of DEPW, the ERM, the Parks and Recreation  
5 Department, the Property and Real Estate Management Department (PREM), and  
6 the PBCPHUHD, as applicable. The Preapplication Conference Committee shall  
7 meet at least twice a month. The applicant shall be notified in advance by the  
8 Zoning Director about the preapplication conference, and the time, date, and place  
9 of the conference.

10 **4.5. Preapplication conference issues....**

11 **5. 6. Written Summary.**

12 **D. Threshold Review....**

13 **2. Development on property or uses requiring Threshold Review....**

14 ~~3. Contents of application.~~ The application shall be submitted in a form established  
15 by the reviewing agency and made available to the public.

16 **E. Applications for Development Permits.** Staff shall accept complete a Applications  
17 shall be submitted for all development permit requests for land development activities  
18 regulated by this Code. All applications shall include proof of ownership and if  
19 applicable, consent to be represented by an agent. Unless otherwise specified in each  
20 section describing particular development review procedures, applications for  
21 development permits require sufficiency certification by the Development Review  
22 Committee DRC prior to being placed on the agenda for a public hearing or meeting  
23 or proceeding to the subsequent step in the development review process. Unless  
24 requested by Palm Beach County, applications shall not be significantly altered after  
25 certification. In no case shall significant changes be made to proposed site, master or  
26 preliminary development plans within ten (10) working days of the public hearing on the  
27 application, without a continuance.

28 **F. Public Hearing procedures for application for a development permit.**

29 ~~1. General.~~ (This subsection has been deleted.)

30 **1. 2. Setting the hearing.** When the application is determined sufficient and a public  
31 hearing is required, the responsible County official shall schedule a public hearing.  
32 responsible for reviewing the application determines that an application for a  
33 development permit is sufficient and that a public hearing is required by this Code, the  
34 County official shall consult with the decisionmaking bodies required to conduct the  
35 hearing and shall select a place and time certain for the required hearing, and shall  
36 cause the public hearing to be scheduled.

37 **2.3. Examination and copying of application and other documents.**

38 **3.4. Conduct of hearing.**

39 ...

40 **H. Development Order Amendments.**

41 **1. General.** Several sections of this article provide criteria to determine whether or not staff  
42 may approve minor amendments to previously approved development orders. Proposed  
43 amendments which do not qualify for staff approval shall be submitted and considered  
44 based on the applicable development review procedures stated herein under which the  
45 development would be originally approved, except that certain amendments may be  
46 considered in an Expedited Application Consideration process.

47 ...

48 **J. Denial of an application. Successive applications....**

49 **N. Development Order Abandonment.**

50 **1. General.** A development order for a Conditional Use class "A" or "B" or similar  
51 development order granted under either Ordinances 3-57-3 or 73-2 may be abandoned  
52 according to the procedures in this section. A development order may be abandoned

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even though it may have been concurrently approved with a rezoning request.

**3. Implemented development orders....**

**c. Unpaid Status Fees.** A development order shall not be abandoned, either administratively or by approval of a subsequent development order, until all unpaid status report fees imposed by action pursuant to Section 5.8 (Compliance with Time Limitations) have been paid.

**P. 4. Judicial relief.** Any person aggrieved by a decision of the BCC on an application for a development permit may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, within thirty (30) calendar days of the date the zoning resolution is filed with the Clerk of the Circuit Court, in accordance with the Florida Rules of Appellate Procedure. (5.3.F.)

**SUBPART 28 Section 5.3.D., Development Review Procedures, Official Zoning Map Amendments, Procedure is amended to add language as follows:**

**D. Procedure.** In addition to the regulations contained in this section, Zoning map amendments shall adhere to the regulations in 5.1. (General Applicability).

~~1. Submission of application.~~ Relocated to 5.1.B

~~2. Contents of application.~~ Relocated to 5.1.B

**1. 3. Determination of sufficiency....**

**2. 4. Review, report and recommendation....**

**3. 5. Public hearings....**

**4. 6. Notice of Public Hearing....**

a. All applications initiated by others than the County or Applications initiated by the County on properties less than ten (10) contiguous acres in unincorporated County.

...

(2) **Courtesy mailing.** Except as noted in Section 5.8, A courtesy notice ("notice") of a proposed amendment to the boundaries of the Official Map Amendment shall be mailed to the following entities within three hundred (300) feet of the affected property:

(a) all owners of real property located within three hundred (300) feet of the periphery of the land to be affected by the requested change; whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that, the courtesy notice shall be given to

(b) the condominium association and all real property owners living within three hundred (300) feet when real property consists of a condominium. (If the area within three hundred (300) feet is owned by the applicant or partner in interest, the three hundred (300) foot notification boundary shall be extended from these parcels.)

(c) all property owners associations and cooperatives within the area affected by the requested change; as well as

(d) all counties and municipalities within one mile of the area request; shall be notified.

(e) areas that a municipality has identified as a future annexation area within one mile of the request; and, shall also give notice to the municipality.

(f) If the area within three hundred (300) feet is owned by the applicant or partner in interest, the three hundred (300) foot notification boundary shall be extended from these parcels.

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The notice shall:

- (a) state the substance of the proposal; ~~and shall~~
- (b) set a date, time and place for the public hearing; ~~The notice shall~~
- (c) contain a location map clearly indicating the area covered by the proposal including major streets; ~~and~~
- (d) contain a statement that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment; and. Such ~~notice shall~~

(3) **Posting.** The land subject to the application shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) ~~notice sign~~ shall be posted for each one hundred (100) feet of frontage along a public street up to a maximum of ten (10) signs. ~~feet of frontage along a public street~~ Notice shall be All signs shall be evenly spaced along the street or in a location acceptable to the Zoning Director All signs shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public ~~on each street side of the land subject to the application.~~ Signs shall be posted in a location acceptable to the Zoning Director. ~~Where the land does not have significant frontage on a public street,~~ signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. The notice shall contain a map indicating the boundaries of the subject property. The signs shall be removed by the applicant after the BCC transmittal hearing date (adoption hearing date for small scale development amendments). The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the BCC.

(4) **Exceptions.** *If the amendment is being requested by a public agency or the BCC, signs shall be erected on the nearest street R-O-W or at major intersections leading to and within the subject property. (5.3.D. 6.a.(3))*

...

~~5.7. Action by Zoning Commission....~~

~~6.8. Action by BCC Board of County Commissioners....~~

~~7.9. Standards....~~

F. **Appeal.** An appeal shall be pursuant to judicial relief standards of 5.1.(General Applicability). ~~Any person aggrieved by a decision of the Board of County Commissioners on an application for development permit for an amendment to the Official Zoning Map, may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, within thirty (30) calendar days of the date the zoning resolution is filed with the Clerk of the Circuit Court, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.~~

**SUBPART 29 Section 5.4., Development Review Procedures, Conditional Uses is amended to add language as follows:**

...

~~G. Initiation~~ has been relocated to Section 5.1.C.

C. Standards applicable to all Class "A" conditional uses. *When considering an application for development permit for a Class "A" conditional use, the BCC or ZC shall consider the following factors. In no event, however, shall a Conditional Use Class "A" be approved which fails to meet any standard below. Failure to comply with*

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- any standard shall be deemed adverse to the public interest. (5.4.E.9.)
- a. **Consistent with Comprehensive Plan.** The proposed ~~Glass "A"~~ conditional use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
  - b. **Complies with supplementary use standards.** The proposed ~~Glass "A"~~ conditional use complies with all relevant and appropriate portions of Sec. 6.6, Supplementary Regulations;
  - c. **Compatibility.** The proposed ~~Glass "A"~~ conditional use is compatible as defined in this Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;
  - d. **Design minimizes adverse impact.** The design of the proposed ~~Glass "A"~~ conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
  - e. **Adequate public facilities.** The proposed ~~Glass "A"~~ conditional use complies with Art. 11, Adequate Public Facility Standards;
  - f. **Design minimizes environmental impact.** The proposed ~~Glass "A"~~ conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
  - g. **Development patterns.** Whether and the extent to which the proposed development will result in logical, timely and orderly development patterns.
  - h. **Other relevant standards of Code.** The proposed ~~Glass "A"~~ conditional use complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics.
  - i. **Consistency with neighborhood plans.** Whether and to what extent the proposed development is consistent with applicable neighborhood plans.
  - j. **Changed circumstances.** Whether and the extent it can be demonstrated that there are any changed circumstances that require a modification. (5.4.E.9.)

...

E. ~~Glass A conditional use.~~ **Procedure.** In addition to the regulations in this section, conditional uses shall adhere to regulations in Sec. 5.1. (General Applicability).

~~1. Authorized Glass A conditional use.~~ relocated to 5.4.F.

~~2. Submission of application.~~ relocated to 5.1.B.

~~3. Contents of application.~~ The application shall be submitted in a form established by the Zoning Director and made available to the public.

~~1. 4. Determination of sufficiency...~~

~~2. 5. Review and certification by DRC.~~

- a. Three (3) working days before the DRC meeting ~~Development Review Committee~~, the DRC ~~Development Review Committee~~ shall provide the applicant with a draft list of issues, if any. The DRC shall be convened pursuant to the Zoning Director's calendar, to review the application and determine whether it should be certified. An application shall not be certified unless it meets the minimum standards for that use pursuant to Sec. 5.4.C. (Standards applicable to all conditional uses) Article 6 (Zoning Districts), and Article 11 (Adequate Public Facilities Standards) and Sec. 5.4.E.9 ~~The decision by the Planning Director on whether to issue an Adequate Public Facilities Determination, a Certificate of Concurrency Reservation, a Certificate of Concurrency Reservation with conditions, or a Conditional Certificate of Concurrency Reservation, whichever is appropriate, pursuant to Art. 11, Adequate Public Facility Standards, shall be made prior to the Development Review Committee's decision on whether to certify an application. If a decision on~~

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adequate public facilities shall be delayed pursuant to the procedures and standards of Art. 11, Adequate Public Facilities Standards, the time for completion of the Development Review Committee decision shall be delayed so that the Planning Director's decision pursuant to Art. 11, Adequate Public Facility Standards, is made prior to the Development Review Committee's decision on whether to certify the application. An application shall not be forwarded to the Zoning Commission for review until it has been certified by the DRC Development Review Committee.

...

### 3. 6. Public hearings.

a. Class A Conditional Use. The Zoning commission and the Board of County Commissioners shall each hold at least one (1) public hearing on a weekday, on an application for development permit for a Class A conditional use.

...

b. Class B Conditional Use. The Zoning Commission shall hold one (1) public hearing on an application for a development permit for a Class B conditional use.

### 4. a. Public Notice. Notice of the public hearing shall be made, pursuant to the following standards.

#### a. (1) Publication....

b. (2) Courtesy mailing. Except as noted in Section 5.8, A courtesy notice ("notice") of a proposed amendment to the boundaries of the Official Map Amendment shall be mailed to the following entities within three hundred (300) feet of the affected property:

- (1) all owners of real property located within three hundred (300) feet of the periphery of the land to be affected by the requested change; whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that, the courtesy notice shall be given to
- (2) the condominium association and all real property owners living within three hundred (300) feet when real property consists of a condominium. If the area within three hundred (300) feet is owned by the applicant or partner in interest, the three hundred (300) foot notification boundary shall be extended from these parcels.
- (3) all property owners associations and cooperatives within the area affected by the requested change; as well as
- (4) all counties and municipalities within one mile of the area request shall be notified.
- (5) areas that a municipality has identified as a future annexation area within one mile of the request shall also give notice to the municipality.
- (6) If the area within three hundred (300) feet is owned by the applicant or partner in interest, the three hundred (300) foot notification boundary shall be extended from these parcels.

The notice shall:

- (1) state the substance of the proposal; and shall
- (2) set a date, time and place for the public hearing; The notice shall
- (3) contain a location map clearly indicating the area covered by the proposal including major streets; and
- (4) contain a statement that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment; and. Such notice shall

c. (3) Posting. The land subject to the application shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice sign shall be posted for each one hundred (100) feet of frontage along a public street up to a maximum

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often (10) signs. Notice shall be All signs shall be evenly spaced along the street or in a location acceptable to the Zoning Director; all signs shall be setback no more than twenty five (25) feet from the street. All signs shall erected in full view of the public on each street side of the land subject to the application. Signs shall be posted in a location acceptable to the Zoning Director. ~~Where the land does not have significant frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. The notice shall contain a map indicating the boundaries of the subject property.~~ The signs shall be removed by the applicant after the BCC transmittal hearing date (adoption hearing date for small scale development amendments). The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the BCC.

- (4) **Exceptions.** *If the request has been submitted by a public agency or the BCC, signs shall be erected on the nearest street R-O-W or at major intersections leading to and within the subject property. (5.4.E.6.a.(3))*

...

**5. 11. Effect of issuance of a development order for a conditional use. (5.4.E.11.)**  
**a. General....**

...

- (2) **c. Phasing.** Phased projects must include twenty (20) percent of the project's land area in the development of each phase unless a phasing schedule is approved by the BCC. There shall be a maximum of two (2) phases.

- (3) **d. Subsequent development order(s)...** (5.4.E.11.)

**F. E. Class A conditional use.**

**1. Authorized Class A conditional use.** *Only those uses that are authorized as Class A conditional uses in Table 6.4-1, Use Regulations Schedule, may be approved as Class A conditional uses. The designation of a use as a Class A conditional use in a district in Table 6.4-1, Use Regulations Schedule, does not constitute an authorization of such use or an assurance that such use will be approved under this Code. (5.4.E.1.)* ~~Rather, each proposed Class "A" conditional use shall be evaluated by the Development Review Committee, the Zoning Commission, and the Board of County Commissioners for compliance with the standards set forth in this section and the applicable district.~~

~~**5. Review and certification by DRG.**~~ (This section has been relocated to 5.4.E.2.)

~~**2. 7. Review and recommendation by Zoning Commission....**~~

~~**3. 8. Public hearing before the BCC Board of County Commissioners....**~~

~~**9. Standards applicable to all Class "A" conditional uses.**~~ (This section has been relocated to 5.4.C.)

~~**4. 10. Conditions....**~~

~~**5. 12. Appeal.** Any person aggrieved by a decision of the BCC Board of County Commissioners on an application for development permit for a Class "A" conditional use, shall apply for judicial relief according to Sec. 5.1.P. (Judicial Relief) by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, within thirty (30) calendar days of the date the resolution is filed with the Clerk of the Circuit Court, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.~~

~~**6. 13. Minor deviations.** Minor deviations from a development order for a Class A conditional use shall be approved by the DRC Development Review Committee according to Sec. 5.6. (Site Planning, Final Subdivision Plan) Deviations in excess of the limits in this section shall be subject to Board review, action, and approval.~~

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- approved with conditions, or denied by the Board.
- 7. 14. Development Order Amendment to Class A Conditional Use....**
- G. F. Class "B" conditional uses....**
- 2. Submission of application:** relocated to 5.1.B.
- 3. Contents of application:** relocated to 5.1. B.
- 4. Determination of sufficiency:** relocated to 5.4.E.1.
- 5. Review and certification by DRC:** This section relocated to 5.4.E.2.
- 6. Public hearings:** This section relocated to 5.4.E.4.
- 2. 7. Public hearing before the Zoning Commission....**
- 8. Standards applicable to all Class "B" conditional uses:** (This section relocated to 5.4.C.)
- 3. 9. Conditions....**
- 4. 10. Appeal....**
- 11. Effect of issuance of a development order for Class "A" condition use:** (Relocated to 5.4.E.5.)
- 5. 12. Exhaustion of non-judicial remedies and judicial review....**
- 6. 13. Minor deviations.** Minor deviations from a development order for a Class B conditional use shall be approved by the DRC Development Review Committee pursuant to Sec. 5.6. (Site Plan and Final Subdivision Plan). Deviations in excess of the limits in this section shall be subject to Board review, action, and approval, approved with conditions, or denied by the Board. (Sec. 5.4.E.13.) (The remainder of this section has been relocated to 5.6.D.8. Procedure)
- 7. 14 Development Order Amendment to Class B Conditional Use....**

**SUBPART 30 Section 5.5., Development Review Procedures, Special Permit Uses is amended to add language as follows:**

- A. Purpose.** Special permit uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, buildings and structures, and may require the imposition of conditions ~~pertinent thereto~~ in order to ensure the appropriateness of the use at a particular location. These uses are generally temporary for a specified, fixed period of time.
- B. Authority.** The Zoning Director, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, revoke or deny an application for a development permit for a special permit use after review by applicable agencies.
- ...
- E. Procedure.**
- ...
- 6. Conditions.** The Zoning Director shall have the authority to impose such conditions in a development order for a special permit use that are necessary to accomplish the purpose of this section, this Code, and the Comprehensive Plan to prevent or minimize adverse effects upon the public and the neighborhood, including, but not limited to limitations on size, bulk and locations, standards for landscaping, buffering, lighting, adequate ingress, egress and other on-site improvements, duration, and hours of operation.
- 7. Appeal or denial.** *Appeal of staff imposed conditions or a denial of the special permit shall be made to the Board of Adjustment after submitting the required fee and by using the form and procedures established by the Zoning Director. (5.5.E.6)*
- 7. Mailing decision to applicant.** ~~Within three (3) working days, the Zoning Director~~

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shall mail a copy of the Zoning Director's decision on the application to the applicant.

...

**SUBPART 31 Section 5.6., Development Review Procedures, Site Plan or Final Subdivision Plan is amended to add language as follows:**

**D. Procedures.** In addition to the requirements in 5.1 (General Applicability), an application for a development permit for a Site Plan or Final Subdivision Plan shall adhere to the following regulations.

...

~~2. Submission of application.~~ relocated to 5.1.B.

~~3. Contents of application.~~ relocated to 5.1.B.

**2. 4. Determination of sufficiency.** The Zoning Director shall determine if the application is sufficient and includes data necessary to evaluate the application.

...

**3. 5. Action by DRC.** At least three (3) working days before the DRC Development Review Committee meeting, the staff of the DRC Development Review Committee shall provide the applicant with a draft list of issues, if any. The DRC shall be convened pursuant to the Zoning Director's calendar to review the application at a meeting and approve, approve with conditions or deny the application based on the standards in Sec. 5.6.D.3. 6.D.6. No A Site Plan or Final Subdivision Plan shall not be certified until it meets all certification standards. Any applicant shall be provided with one (1) working day to satisfy any certification requirements without returning to the subsequent DRC Development Review Committee meeting. If the applicant returns to a second or more DRC meeting an additional fee as provided for by law may be charged. ~~The decision of the Planning Director on whether to issue an Adequate Public Facilities Determination, a Certificate of Concurrency Reservation, a Certificate of Concurrency Reservation with conditions, or a Conditional Certificate of Concurrency Reservation, whichever is appropriate, pursuant to Article 11, Adequate Public Facility Standards, shall be issued prior to the Development Review Committee's decision on the application for development permit for Site Plan or Final Subdivision Plan. If an application for development permit is delayed pursuant to the procedures and standards of Art. 11, Adequate Public Facility Standards, the time for the Development Review Committee's recommendation shall be delayed so that the Planning Director's decision pursuant to Art. 11, Adequate Public Facility Standards, can be issued prior to the decision on the application for development permit for Site Plan or Final Subdivision Plan. At the DRC Development Review Committee meeting, the Zoning Director shall advise the applicant of steps necessary to comply with this Code and mail a copy of the decision to the applicant. within three (3) working days of the day of the Development Review Committee's decision.~~

**4. 6. Certification Standards....**

**e. Site Development Standards.** The Site Plan or Final Subdivision Plan shall comply with Art. 7, Site Development Standards and with the maximum number of phases as provided in Table 5.8-1.

**f. Subdivision.** The Final Subdivision Plan shall comply with Sec. 8.12, Final Subdivision Plan, and all other relevant portions of Art. 8, Subdivision, and with the maximum number of phases as provided in Table 5.8-1.

...

**5. 7. Conditions....**

**6. 8. Appeals.** Appeals of decisions of the DRC Development Review Committee may be made to the Development Review Appeals Board after submitting the required fee and using the form and procedures established by the Zoning Director. The Development Review Appeals Board shall meet within ~~thirty (30)~~ forty (40) days of receipt of the appeal.

**9. Mailing of decision.** The Zoning Director shall mail a copy of the DRC Development

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Review Committee's decision to the applicant, within three (3) working days of the decision.

**7. 40: Effect of development order for Site Plan or Final Subdivision Plan....**

**8. 44: Site Plan or Final Subdivision Plan general time limitation....**

**9. 42: Administrative amendments. Minor deviations.** Minor corrections may be made from the administratively to a development order for a site plan or final subdivision plan. upon written approval of the Zoning Director or the Director of Land Development, as appropriate. Minor corrections or changes not significant enough to warrant DRC Development Review Committee approval, require administrative approval to ensure that plans are updated and distributed to appropriate agencies. No changes or corrections may be made which contradict a Board imposed condition. Upon application of a letter explaining the need for corrections and payment of the fee established by the adopted fee schedule, minor corrections to a site plan or subdivision plan may be made. Minor corrections include but are not limited to: a change in sign location, minor modifications to parking areas (such as the relocation of a handicapped parking space), relocation of terminal islands to accommodate trees or utility lines, addition of phase lines that correspond to proposed plat and or building construction and which are unrelated to traffic performance requirements, reduction in building footprint size, addition of small canopies, removal of excess parking for additional open space (i.e., not required by this Code), minor revisions to lot lines to be consistent with a recorded plat, temporary sales and construction trailers, and satellite dish location.

**10. Minor deviations.** *Minor deviations that are authorized are those that allow minor redesign or change to a project that would not substantially change or increase impacts originally anticipated. Minor deviations are permitted in order to refine the design and function of a project. Minor deviations shall be limited to the following:*

- a. The relocation of no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures to portions of the site not previously covered, as long as it complies with the standards of this Code;*
- b. Redesign or change in use, where there is no increase in traffic impact;*
- c. Redesign, where there is an increase in traffic impact, as long as the modification complies with Sec. 15.1, Traffic Performance Standards, and Art. 11, Adequate Public Facility Standards;*
- d. The reduction or relocation of areas set aside for community open space, or recreation provided that such changes do not result in a substantial change in the amount, boundary configuration, or character of open space or recreation provided;*
- e. An increase of no more than five (5) percent in the total floor area of any building, provided that no increase shall exceed one thousand (1,000) square feet as long as it complies with the requirements of this Code,*
- f. An overall increase of no more than five (5) percent in the total square footage covered by any structure as long as it complies with the requirements of this Code;*
- g. An overall increase of not more than five (5) percent of the height of any structure as long as it complies with the requirements of this Code; or*
- h. Relocation of access points.*
- i. Redesignation of project phasing as approved in the development order provided the redesignation meets minimum requirements of the Adequate Public Facilities Ordinance and general intent of the development order. (5.4.E.13.)*

**11. 43: Amendments to development order for Site Plan or Final Subdivision**

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**SUBPART 32 Section 5.7.E., Development Review Procedures, Variances and Appeal of Administrative Decisions, Procedure is amended to add language as follows:**

**5. Notification....**

**c. Posting.** The land subject to the application for a development permit for a variance shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice sign shall be posted for each one hundred (100) feet of frontage along a public street up to a maximum of ten (10) signs ~~along a public street~~. Notice All signs shall be evenly spaced along the street or in a location acceptable to the Zoning Director. All signs shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public ~~on each street side of the land subject to the application.~~ Where the land does not have significant frontage on a public street, signs shall be posted in a location acceptable to the Zoning Director, ~~erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application.~~ If the change in land use is being requested by a public agency or the BCC Board of County Commissioners, signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. The notice shall contain a map indicating the boundaries of the subject property.

The signs shall be removed by the applicant after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the BCC Board of County Commissioners.

**d. Exceptions.** *If the request has been submitted by a public agency or the BCC, signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. (5.7.E.5.c.)*

...

**SUBPART 33 Section 5.8., Development Review Procedures, Compliance with Time Limitations and Conditions of Approval is amended to add language as follows:**

**B. Applicability.**

...

2. The following are exempt from this section:...

**3. d.** For development orders which are subject to the requirements of this section, the time limitations shall apply to those approved prior to or subsequent to the effective date of this amendment.

**C. Procedures.**

**1. Suspension of development orders.**

**a.** Upon expiration of any time period established by this Code or for any failure to comply with, or continued violation of ~~by a condition of development approval,~~ except for a condition imposed by the DRC or a condition for which a complete administrative time extension application has been submitted. ~~Development Review Committee,~~ no new development orders affecting the property shall be issued by Palm Beach County, and no action which might tend to vest the development order shall be permitted, except as permitted by subsection 5.8.C.1.e., until a final determination is made by the executive director, ~~or designee,~~ or BCC or Zoning Commission pursuant to subsections 5.8.C.2. and 5.8.C.4. ~~and 5.8.C.5:~~ herein. This suspension of development rights shall not preclude the

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property owner from filing a new petition for the subject property to amend or supersede an existing development order, or the BCC or Zoning Commission from approving this petition. This suspension of development orders shall also apply to any failure to comply with, or continued violation of, a condition of development approval, if a status report public hearing is scheduled pursuant to subsection 5.8.C.4.

...

- c. Upon the expiration of any time period except for a time period to comply with a condition of approval imposed by the ~~DRC Development Review Committee~~ or when a complete administrative time extension application has been submitted, or upon reasonable cause to believe that a property owner has not complied with a condition ~~or a condition of development approval has been violated~~, a document shall be filed with the clerk of the circuit court to be placed with the records governing title to the affected property except as provided in subsection 5.8.C.1.e. herein. This document may apply only to that portion of the property related to the expired time period, or any condition violated. The document shall give record notice that:

...

- (4) If the BCC, Zoning Commission, or the executive director approves further development pursuant to subsection 5.8.C.2. or 5.8.C.54., herein, a second document shall be filed with the clerk of the circuit court to be placed with the records governing title to the property indicating:

...

**4. Failure to comply with conditions or time requirements other than for a DRC Development Review Committee imposed condition of approval....**

...

- e. Prior to consideration of all rezonings on properties of ten (10) or more contiguous acres by the BCC, notice to the owner of record and advertisement of the proceedings shall occur in the following manner:

...

- f. **Decision of the BCC or Zoning Commission for failure to comply with 1) time requirements to commence development, utilize a conditional or requested use or record a plat; or 2) non-performance security conditions (those not required by {Sec. 15(I)E., subsection 5).**

...

- (2) After deliberation, the BCC or Zoning Commission shall take one (1) or more of the following actions.

- (a) Grant a time extension.

- i) To commence development, utilize a conditional or requested use, or record a plat for a period not to exceed twenty-four (24) months during which time the property owner shall comply with the time requirement....

...

- (c) Adopt a resolution which will revoke or amend the approval for all or a portion of the conditional or requested use, or special exception, or development order amendment.

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TABLE 5.8-1

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TIME LIMITATIONS OF DEVELOPMENT ORDER FOR EACH PHASE					
TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION <sup>4</sup>	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
...	...	...	...	...	...
CONDITIONAL USES CLASS "A" AND CLASS "B", REQUESTED USE (INCLUDING THOSE IN PLANNED UNIT DEVELOPMENTS)	2 <sup>5</sup>	Commence development or use <u>utilize</u> Conditional Use or <u>Requested Use</u> if no construction is required <sup>1</sup>	three (3) years <sup>2</sup>	twelve (12) months	Pursuant to subsections C.4 and C.5 herein:  Class A - BCC review;  Class B - Zoning Commission review
...	...	...	...	...	...

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SUBPART 34 Section 6.1.B., Zoning Districts, Districts Established, Zoning districts established is amended to add and delete language as follows:

B. Zoning districts established. In order to carry out and implement the Comprehensive Plan, the following ~~thirty-eight (38)~~ thirty-two (32) districts are hereby established.

- ...
- ~~24. NE-O, Native Ecosystem Overlay District~~
  - ~~25. WCRA-O, Westgate/Belvedere Home Overlay District~~
  - ~~26. R&T-O, Research and Technology Overlay District~~
  - ~~27. GA-O, Glades Area Economic Development Overlay District~~
  - ~~28. PBIA-O, Palm Beach International Airport Overlay District~~
  - ...
  - ~~37. IOZ, Indiantown Road Overlay District~~
  - ~~38. COZ, Conditional Overlay District~~
  - ~~39. TAP-O, Turnpike Aquifer Protection Overlay District~~
  - 32. AGR-PUD, Agricultural Reserve Planned Unit Development

C. Overlay districts established. In order to carry out and implement the Comprehensive Plan, the following eight (8) overlay districts are hereby established.

- 1. NE-O, Native Ecosystem Overlay District
- 2. WCRA-O, Westgate/Belvedere Home Overlay District
- 3. R&T-O, Research and Technology Overlay District
- 4. GA-O, Glades Area Economic Development Overlay District
- 5. PBIA-O, Palm Beach International Airport Overlay District
- 6. IOZ, Indiantown Road Overlay District
- 7. COZ, Conditional Overlay District
- 8. TAP-O, Turnpike Aquifer Protection Overlay District.

SUBPART 35 Section 6.4.C., Zoning Districts, Use Regulations and Definitions, Table 6.4-1, is amended to add and delete language as follows:

Titles in Table 6.4-1 have been amended as follows:

- Communication panels ~~building mounted~~ antennas, commercial
- Sanitary landfill or incinerator
- Shadehouse, ~~accessory~~
- Storage, ~~indoor~~ agricultural

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Table 6.4-1  
Use Regulations Schedule

Use Type	Zoning District/Overlay																				N O T E			
	Agriculture/ Conservation					Residential								Commercial					Indust/ Public					
	P C	AGR	A P	S A	R S E R	AR	C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C	C H O	C G	C R E		I L	I G	P O
		A G R				C C S O																		
Air stripper tower remedial															P	P	P	P	P	P	P	P	P	8.1
Chipping and mulching		D		B	A																B	D	D	20
Communication panels, building-mounted antennas, commercial		D		P	D	D	B	B	B	B	B	B	B	D	D	D	D	D	D	D	P	P	P	22.1
Composting facility		D		D	B																D	D	D	23
Convenience store, no gas sales			P												A		A		B					26
Landscape maintenance service		D			A	B	A												B		P	P		55
Potting soil manufacturing		D		D	A																B	D	D	73
Retail sales, mobile or temporary		S	S		S		S										S		S		S		S	83
Townhouse												A	D	D	D									95
Vehicle repair & related services, mobile minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	97.4
Woodworking or cabinetmaking																			B		P	P		

SUBPART 36 Section 6.4.D., Zoning Districts, Use Regulations and Definitions, Supplementary Use Standards is amended to add language as follows:

1. **Accessory dwelling** means a second dwelling unit located either in or added to an existing single-family dwelling, or in an accessory structure on the same lot as the principal single-family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory dwelling use shall comply with the following supplementary use standards.
- a. **Occupancy.** Occupancy of accessory dwelling shall be limited to a household that includes at least one (1) member who is physically disabled or elderly, or who meets the low-income standards specified in the definition of affordable housing as defined in Article 3 (Definitions).
- ...
- d. **Additional floor area.** Floor area under a solid roof that is utilized as a porch, patio, Porte cochere, or carport or garage shall not exceed five hundred (500) square feet. Enclosure of this area shall result in an immediate revocation of the special permit.

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—f. ~~Architecture.~~ The accessory dwelling shall be constructed of materials substantially equivalent to either the principal dwelling unit or other permanent accessory structure on the lot, provided that such materials comply with all other applicable standards of the building code.  
—g. ~~f.~~ **Compatibility.** The accessory dwelling shall be architecturally compatible in character and materials, and be subordinate in size to the principal dwelling unit.  
—h. ~~g.~~ **Setbacks....**  
—i. ~~h.~~ **No separate ownership....**  
—j. ~~i.~~ **Kitchen removal....**  
—k. ~~j.~~ **Renewal of Special Permit.** The special permit shall be renewed annually in accordance with Sec. 5.5.E.9: (Special Permit Uses) of this code.

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...  
**2.1 Agricultural food processing** means a facility for the canning, dehydration or the basic preparation of raw food products, such as washing and cutting, prior to shipment. Food processing shall not include animal or fish products. An agricultural food processing facility use shall comply with the following supplementary use standards.

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- b. **Buffer.** An incompatibility landscape buffer as ~~defined in~~ required by Sec. 7.3 (Landscape and Buffering) shall may be provided omitted if the use is adjacent to a residential use, existing as of the effective date of this ordinance, excluding farm worker quarters ~~and or~~ mobile homes accessory to agriculture.

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...  
**2.2 Agricultural related manufacturing, light...**

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- b. **Buffer.** An incompatibility landscape buffer as ~~defined in~~ required by Sec.7.3. (Landscape and Buffering) shall may be provided omitted if the use is adjacent to a residential use, existing as of the effective date of this ordinance, excluding farm worker quarters ~~and or~~ mobile homes accessory to agriculture.

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**3. Agricultural research and development** means the use of land or buildings for agriculture research and the cultivation of new agricultural products. An agricultural research and development use shall comply with the following standards.

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35
- a. **Buffer.** An incompatibility landscape buffer as ~~defined in~~ required by Sec.7.3. (Landscape and Buffering) shall may be provided omitted if the use is adjacent to a residential use, existing as of the effective date of this ordinance, excluding farm worker quarters ~~and or~~ mobile homes accessory to agriculture.

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**4. Agricultural sales and service** means an establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, riding attire, animal care products, farm supplies, ~~machinery repair services~~ and the like. An agricultural sales and service uses shall comply with the following supplementary use standards....

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(2) **RSER district...**

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- (1) **Storage.** All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. ~~Tractor trailers used for the transport of bona fide agricultural products used by the local agricultural community may be stored on the property.~~ A maximum of five (5) tractor trailers used for the transport of bona fide agricultural products may be stored outside if they are completely screened from view from streets and neighboring property.

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...  
**5. Agricultural transshipment** means a facility engaged in the act of transferring agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks. An agricultural transshipment use shall comply with the following supplementary use standards.

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...  
(2) **AGR and AP districts.**

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- ...
- (2) **Buffer.** An incompatibility landscape buffer as defined in required by Sec. 7.3 (Landscape and Buffering) shall may be provided omitted if the use is adjacent to a residential use, existing as of the effective date of this ordinance, excluding farm worker quarters and or mobile homes accessory to agriculture.
- ...

**7. Air curtain incinerator, permanent....**

- a. Lot size.** A permanent air curtain incinerator use shall be located on a minimum of five (5) acres.
- ~~a. b.~~ **Setback from residential districts and uses....**
- ~~b. c.~~ **Health and environmental regulations.** The use shall be subject to all applicable rules and regulations of the FDER (including Chapter 17-2, F.A.C.), PBCHD, the Solid Waste Authority and the Fire-Rescue Department. In addition to a permit from the Florida Department of Environmental Regulation (FDER) and conformance with requirements of Chapter 17-2, F.A.C., a permanent air curtain incinerator use shall be subject to all applicable rules and regulations and require a sign-off from the PBCPHU (within sixty (60) days of submittal of an application to FDER), the Solid Waste Authority (within 60 days of zoning approval) and the Fire-Rescue Department.
- ~~c. d.~~ **Access.** Access shall be from a non-residential street. An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.
- ~~d. e.~~ **Storage.** Except in the AP district, on site storage of unprocessed material shall be limited to forty-five (45) days and pile height shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. Storage areas shall be effectively screened from view pursuant to Sec. 6.6.A.3. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts.
- ~~e. f.~~ **Buffering.** An incompatibility landscape buffer as defined in required by Sec. 7.3 (Landscape and Buffering) shall may be provided omitted if the use is adjacent to an existing residential use, excluding farm worker quarters and or mobile homes accessory to agriculture.
- ~~f. g.~~ **Supplemental application requirements.** The applicant shall provide the following information: ...
- (2) **Hours of operation.** A statement specifying the hours of operation (hours of operation are limited to 8:00a.m. to 5:00p.m. Monday through Friday if adjacent to residential zoned property);...
- (5) **Dust control.** A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles.

**8. Air curtain incinerator, temporary** means the installation or use of a portable or stationary combustion device that is designed and used to burn trees and brush removed during land clearing by directing a plane of high-velocity, forced air through a manifold into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. A Temporary air curtain incinerator uses shall comply with the following supplementary use standards: If an air curtain incinerator facility also includes chipping and mulching or composting, adherence to the supplementary use conditions applicable to such uses shall also be required.

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- 1 a. Lot size. A temporary air curtain incinerator use shall be located on a minimum of  
2 five (5) acres.
- 3 ~~h.~~ b. Setback from residential districts and uses....
- 4 ~~i.~~ c. Health and environmental regulations. A temporary air curtain incinerator use shall  
5 be subject to all applicable rules and regulations of the FDER (including Chapter 17-2,  
6 F.A.C.), the PBCPHU, the Solid Waste Authority and the Fire-Rescue Department.  
7 The use shall be subject to all applicable regulations of the FDER, PBCHD, the Solid  
8 Waste Authority, and the Fire-Rescue Department.
- 9 ~~j.~~ Permitting. The temporary air curtain incinerator shall require approval by the PBCPHU,  
10 the Solid Waste Authority, and the Fire-Rescue Department, and shall obtain a special  
11 permit from the Zoning Division.
- 12 d. Access. An access road for collection vehicles shall be provided to the entrance  
13 of the facility. Acceptable access does not include local streets. Access shall  
14 be restricted to specific entrances with gates that can be locked and that carry  
15 official notice that only authorized persons are allowed on the site.
- 16 ~~k.~~ e. Duration....
- 17 f. Storage. Except in the AP district, on site storage of unprocessed material shall  
18 be limited to forty-five (45) days and pile height shall be limited to fifteen (15)  
19 feet. Outdoor material storage piles shall be set back a minimum of twenty-five  
20 (25) feet from any property line or fifty (50) feet from any property line abutting a  
21 residential district or use. Storage areas shall be effectively screened from view  
22 pursuant to Sec. 6.6.A.3.
- 23 eg. Supplemental application requirements....
- 24 (1) Site plan....
- 25 (2) Hours of operation. A statement specifying the hours of operation (hours  
26 of operation are limited to 8:00a.m. to 5:00p.m. Monday through Friday if  
27 adjacent to residential zoned property). The hours of operation shall be from  
28 8 a.m. to 5 p.m.
- 29 (3) Waste....
- 30 (4) Letter of approval....
- 31 (5) Dust control. A plan to address dust control in traffic, storage and  
32 processing areas. Dust control measures may include: additional setbacks,  
33 full or partial enclosure of air curtain incinerator and watering or enclosing  
34 storage piles.
- 35 **8.1 Air Stripper Tower (Remedial System)....**
- 36 ~~a. Permit.~~ A special permit shall be obtained from the Zoning Division to allow air  
37 stripper towers within the required building setbacks for the period to be  
38 determined by the Department of Environmental Resources Management. The  
39 special permit application shall include the following:.
- 40 ~~(1) Documents.~~ Supporting documents from the Department of Environmental  
41 Protection and the Palm Beach County Department of Environmental  
42 Resources Management for the remedial system.
- 43 ~~(2) Building permit application.~~ Copies of Building Division application  
44 including necessary drawings and documents signed and sealed by a  
45 registered engineer ensuring the structural safety and stability of the  
46 mechanical equipment.
- 47 ~~b.~~ a. Property development regulations. All property development regulations,  
48 including setbacks, shall be met. If the applicant is unable to meet the applicable  
49 property development regulations, in lieu of a variance, the Zoning Division shall be  
50 authorized to determine the location of the remedial system and set necessary  
51 conditions for landscaping and screening.
- 52 ~~c. Variance.~~ If the applicant does not agree with the recommendations and conditions  
53 for locating and buffering the remedial system, then an application for a variance

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- 1 must be submitted and approved.
- 2 ~~d.~~ **b.** **Duration.** The length of time a remedial system may remain on site shall be
- 3 determined by ERM the Department of Environmental Resources.
- 4 **9. Airport, landing strip or heliport....**
- 5 **h. ~~Safety Ffencesing and screening.~~** Where ~~deemed necessary to protect the~~
- 6 ~~general public,~~ Safety fences up to a height of six (6) feet shall be required around
- 7 an airport, landing strip or heliport if deemed necessary. Additionally, screening of
- 8 at least seventy-five (75) percent opacity shall be required if determined necessary
- 9 to protect neighboring property from potential loss of use or diminishment of land
- 10 value.
- 11 **10. Amusements, temporary or Special event** means an activity which includes the
- 12 provision of rides, amusements, food, games, crafts or performances outside of
- 13 permanent structures. Typical uses include carnivals, circuses, temporary auctions, and
- 14 tent revivals. A temporary amusement or special event ~~commercial~~ use shall comply with
- 15 the following supplementary use standards.
- 16 **a. Duration.** The temporary ~~commercial~~ amusement or special event use shall not be
- 17 permitted for a period exceeding seven (7) consecutive calendar days, except that one
- 18 (1) administrative extension of time shall be issued upon request that shall not exceed
- 19 an additional seven (7) calendar days. If the use is proposed to exceed fourteen (14)
- 20 days, approval of a Class "A" Conditional ~~u~~Use pursuant to Sec. 5.4.F. (Conditional
- 21 Uses) shall be required.
- 22 **b. Setbacks.** All buildings, mobile homes, trailers, vehicles, tents, mechanical devices,
- 23 carnival rides or animals related to an ~~commercial~~ or amusement or special event type
- 24 use shall comply with the minimum setbacks of the district and shall be located ~~at least~~
- 25 a minimum of fifty (50) feet from a right-of-way R-O-W and two hundred (200) feet from
- 26 any property line adjacent to a residential district. Carnival rides shall be setback a
- 27 minimum of 100 feet from any ~~right-of-way~~ R-O-W.
- 28 **c. Frontage....**
- 29 **d. Access.** The primary access for the temporary ~~commercial~~ amusement or special
- 30 event use shall be from an arterial road and shall not cause traffic to flow through
- 31 nearby residential areas. Backout parking directly onto a public street shall be
- 32 prohibited.
- 33 **e. Events per year.** Except for regional recreational attractions, there shall be no more
- 34 than three (3) temporary ~~commercial~~ amusement use or special events uses permitted
- 35 in any one (1) calendar year.
- 36 **f. Performance standards....**
- 37 **g. Locational requirements.**
- 38 (1) **Location.** Temporary ~~commercial~~ amusement permits shall not be issued for
- 39 the same dates for two (2) or more events unless they are located more than
- 40 one-half (½) mile from each other.
- 41 (2) **Frontage.** Temporary ~~commercial~~ amusements shall not be permitted where
- 42 the frontage of the subject property abuts a ~~right-of-way~~ R-O-W under major
- 43 construction, such as a road widening project.
- 44 **h. Compliance.** If a special permit for a temporary amusement or special event is found
- 45 in violation of any provision of the terms of the permit or of this Code, the Zoning
- 46 Director may withhold future special permits from the applicant for a period of
- 47 eighteen (18) months.
- 48 **11. Arena, auditorium or stadium** means an open, ~~or partially,~~ or fully enclosed facility
- 49 primarily used or intended for commercial spectator sports or entertainment. Typical
- 50 uses include convention and exhibition halls, conference centers, sports arenas, jai alai
- 51 frontons, amphitheaters and race tracks. ~~An~~ H arena, auditorium or stadium uses shall
- 52 comply with the following supplementary use standards.
- 53 ...

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e. ~~Safety Ffencesing and screening~~. Safety fences up to a height of six (6) feet shall be required around an arena, auditorium or stadium if deemed necessary; ~~if determined appropriate, to protect the general health, safety and welfare. Landscape screens of at least seventy-five (75) percent opacity shall also be required if it is determined they are necessary to ensure compatibility with surrounding uses and to protect neighboring land values. The operation is subject to compatibility requirements of Sec. 7.3. However, an alternative type four (4) landscape strip is required along property lines adjacent to a residential zoning district.~~

12.1 **Assembly, nonprofit membership** means a site or facility owned or operated by a not-for-profit organization for social, education or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls. A membership nonprofit assembly use shall comply with the following supplementary use standards.

~~b. AR District. In the AR district, a nonprofit assembly use shall have a one hundred (100) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks.~~

### 13. Auction....

~~a, b, c, d....~~

Temporary auction standards are located in 6.4.D.10. (Amusements, Temporary or Special Event).

17. **Campground** means a plot of ground established as a commercial campsite for recreational use and not as living quarters. A campground use site shall comply with the following supplementary use standards:

a. **Minimum lot area.** A campground use site shall have a minimum lot area of at least five (5) acres or the minimum required by the district, whichever is greater.

b. **SA district.** In the SA district a campground site shall have a one hundred (100) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks.

~~c. Fencing and screening. A landscape screen of at least seventy-five (75) percent opaqueness shall be required around a recreation facility use if it is deemed necessary to protect neighboring property from potential loss of use or diminishment of land value. The operation is subject to compatibility requirements of Sec. 7.3. However, an alternative type four (4) landscape strip is required along property lines adjacent to a residential zoning district.~~

~~d. c. Setbacks.~~ No campground use site shall be located within one hundred (100) feet of any property line.

18. **Car wash or auto detailing** means an establishment primarily engaged in the washing or detailing of motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, ~~window tinting~~, striping, and interior cleaning.

#### a. Location.

(1) **CC district.** In the CC district, ~~a Conditional use for a car wash or auto detailing use shall not be subject to the approved unless the A~~automotive service station location criteria ~~standards~~ of Sec. 6.4.D.15. are met.

(2) **CG district.** In the CG district, ~~a use for a car wash or auto detailing use~~ shall be permitted pursuant to Article 5.6; (Development Review Committee, Site Plan or Final Subdivision Plan) if car washing and auto detailing is limited to hand washing/waxing ~~and all work is done inside.~~

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- 1 20. **Chipping and mulching** means an establishment using ~~a permanent facility equipment~~  
2 designed to cut tree limbs, brush or wood construction debris into small pieces for use  
3 as mulch. A chipping and mulching use shall comply with the following supplementary use  
4 standards:
- 5 a. **Lot size....**
- 6 b. **Setback from residential districts and uses.** A chipping or grinding machine shall  
7 be set back a minimum of ~~three~~ five hundred (3500) feet from any property line  
8 abutting a residential district or use ~~if it is determined that the associated debris,~~  
9 ~~storage, noise, dust and traffic are not incompatible with the surrounding uses.~~  
10 ~~Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet~~  
11 ~~from any property line or fifty (50) feet from any property line abutting a residential~~  
12 ~~zoning district or use.~~
- 13 c. **Permits required Health and environmental regulations.** The operation shall be  
14 subject to all applicable regulations of the FDER (including Chapter 17-701, F.A.C.), the  
15 PBCHD, the Solid Waste Authority and the Fire Marshall, receive and maintain a permit  
16 with the Solid Waste Authority within sixty (60) days of approval of the amendment to the  
17 Official Zoning Map. A chipping and mulching facility use is subject to all applicable  
18 regulations of the Solid Waste Authority and FDER.
- 19 ~~d. **Odor and dust reduction.** A chipping and mulching facility use shall be designed~~  
20 ~~and operated to restrict objectionable odor and dust from entering adjacent~~  
21 ~~properties.~~
- 22 ~~e. **Access....**~~
- 23 ~~f. **Storage.** Except in the AP district, On-site storage of unprocessed material shall~~  
24 ~~be limited to forty-five (45) days and the pile height of storage material shall be~~  
25 ~~limited to fifteen (15) feet. Outdoor material storage piles shall be set back a~~  
26 ~~minimum of twenty-five (25) feet from any property line or fifty (50) feet from any~~  
27 ~~property line abutting a residential zoning district or use. Storage areas shall be~~  
28 ~~effectively screened from view, pursuant to Sec. 6.6. (Supplementary Regulations).~~  
29 ~~Such screening shall be designed to ensure that storage areas cannot be seen~~  
30 ~~from rights-of-way or adjacent residential districts.~~
- 31 ~~g. **Buffering.** An incompatibility landscape buffer as defined in required by Sec. 7.3~~  
32 ~~(Landscape and Buffering) shall may be provided omitted if the use is adjacent to~~  
33 ~~an existing residential use excluding farm worker quarters and or mobile homes~~  
34 ~~accessory to agriculture.~~
- 35 ~~h. **Chipping and grinding hours...**~~
- 36 ~~i. **Supplemental application requirements.** The applicant shall provide the~~  
37 ~~following information:~~
- 38 (1) **Site plan.** A site plan illustrating how the operation functions including  
39 circulation routes and their locations, square footage, height and location of  
40 buildings, chipper and storage piles; ~~and~~
- 41 (2) **Hours of operation.** A statement specifying the hours of operation (hours of  
42 operation are limited to 8:00 a.m. to 5:00 p.m. Monday through Friday if  
43 adjacent to residential zoned property).
- 44 (3) **Waste.** An explanation of the quantity of waste to be received expressed in  
45 cubic yards per day or tons per day;
- 46 (4) **Letter of approval.** A notarized letter of approval shall be provided from the  
47 property owner verifying consent to use the property for chipping and mulching;  
48 and;
- 49 (5) **Dust control....**
- 50 ~~j. **Fire Prevention.** Chipping and mulching facilities shall be located within ten (10) miles~~  
51 ~~of a full service fire station or have and maintain on-site fire fighting equipment~~  
52 ~~acceptable to the Palm Beach County Fire Marshall.~~

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21. **Church or place of worship** means a premises or site used primarily or exclusively for religious worship and related religious services or established place of worship, retreat site, camp, convent, seminary or similar facilities owned or operated by a tax exempt religious group for religious activities. A church or place of worship use shall comply with the following supplementary use standards.
- a. **Location...**
- b. **Use limitations.**
- (1) **1,500 square foot facility.** A church or place of worship not exceeding one thousand five hundred (1,500) square feet of gross floor area shall be a permitted use, subject to site plan certification by DRC pursuant to Sec. 5.6 (Site Plan or Final Subdivision Plan) in the following districts:
- (a) CN, CC and CG districts; and
- (b) ...
- ~~———— (2) PUD special exceptions. A church or place of worship may be permitted as a requested use in residential areas of PUD Special Exceptions approved prior to June 16, 1992.~~
- ~~———— (3) (2) Accessory residential development. Institutional land use plan classification....~~
- ~~———— (4) (3) Temporary sales....~~
- ~~———— (5) (4) Day care center, limited....~~
- ...
- 22.2 **Community vegetable garden....**
- d. **Parking.** A minimum of 4 parking spaces shall be provided in accordance with Sec. 7.2, Off-street Parking Standards, of this Code. Overnight parking shall be prohibited.
- ...
23. **Composting facility...**
- a. **Minimum lot size....**
- b. **Setback from residential districts and uses.** Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. A composting facility use shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use.
- c. **Health and Environmental Regulations.** A composting facility shall be subject to all applicable regulations of the FDER (including Chapter 17-701, F.A.C), the PBCHD, and the Solid Waste Authority, and the Fire-Rescue Department.
- ~~———— d. **Odor and dust reduction.** A composting facility use shall be designed and operated to restrict objectionable odor and dust from entering adjacent properties.~~
- ~~———— e. **d. Access....**~~
- ~~———— f. **e. Storage.** Except in the AP district, On-site storage of unprocessed material shall be limited to forty-five (45) days and pile height of storage material shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. Storage areas shall be effectively screened from view, pursuant to Sec. 6.6. (Supplementary Regulations). Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts.~~
- ~~———— g. **f. Buffering.** An landscape incompatibility buffer as defined in required by Sec. 7.3 (Landscape and buffering) shall may be provided omitted if the use is adjacent to an existing residential use excluding farm worker quarters and or mobile homes accessory to agriculture.~~
- ~~———— h. **g. Supplemental application requirements.** The applicant shall provide the following information:.~~
- (1) **Site plan.** A site plan illustrating how the operation functions including

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- 1 circulation routes and their locations, square footage, height and location of  
2 buildings and storage piles;.
- 3 (2) **Hours of operation.** A statement specifying the hours of operation (hours of  
4 operation are limited to 8:00 a.m. to 5:00 p.m. Monday through Friday if  
5 adjacent to residential zoned property);.
- 6 (3) **Waste.** An explanation of the quantity of waste to be received expressed in  
7 cubic yards per day or tons per day; ~~and~~.
- 8 (4) **Letter of approval....**
- 9 (5) **Dust control.** A plan to address dust control in traffic, storage and  
10 processing areas. Dust control measures may include: additional setbacks,  
11 full or partial enclosure of air curtain incinerator and watering or enclosing  
12 storage piles.

13 ...

14 25. **Contractor's storage yard** means the storage of materials, or three or more  
15 commercial vehicles or construction equipment and an accessory office used performed  
16 by building trade and service contractors on lots other than construction sites. A  
17 contractor's storage yard use shall comply with the following supplementary use  
18 standards.

19 a. **Office permitted....**

20 b. **Screening.** When located in the IL district, outdoor activities and storage shall be  
21 completely screened from view from adjacent property and public streets. All storage  
22 shall be effectively screened from view by on-site walls, fences or buildings. Such  
23 screening shall be designed and installed to ensure that no part of a storage area can  
24 be seen from ~~rights-of-way~~ R-O-Ws or adjacent lots. In no case shall the height of  
25 materials, stored in outdoor areas exceed twenty (20) feet or the height of the principal  
26 building on the lot, whichever is greater. For a storage yard contiguous to property in  
27 a residential district, and opaque fence/wall a minimum eight (8) feet in height shall be  
28 placed along the inside border of the required landscape buffer strip. ~~The purpose~~  
29 ~~of the fence/wall inside the landscaped strip is to protect the landscape strip from the~~  
30 ~~intensive activity of the storage yard and to supplement the landscape strip as a buffer.~~

31 c. **Activities....**

32 ...

33 28. **Day care center, limited or general....**

34 e. **Outdoor activity area...**

35 ~~(6) **Perimeter landscaping.** Landscaping along the perimeter of the outdoor~~  
36 ~~activity area shall include fourteen (14) foot tall native canopy trees placed~~  
37 ~~twenty (20) feet on center, and twenty-four (24) inch high hedge or shrub~~  
38 ~~material placed twenty-four (24) inches on center. This required landscaping~~  
39 ~~material shall be located on the exterior side of the fence.~~

40 ...

41 31. **Electrical power facility...**

42 a. **Location....**

43 b. ~~**Setbacks, bBuffers, and screening.** If deemed necessary to ensure land use~~  
44 ~~compatibility with surrounding uses, adequate setbacks, screening and bBuffering~~  
45 ~~and screening around the perimeter of the proposed electrical power facility use shall~~  
46 ~~be provided at the time the facility is constructed or when surrounding development~~  
47 ~~occurs. The standards shall be waived if any of the required landscape buffer is not~~  
48 ~~visible from adjacent lots or R-O-Ws. rights-of-way. Setbacks, screening and buffering~~  
49 ~~may include, but shall not be limited to, the following:~~

50 ~~(1) **c. Setbacks....**~~

51 ~~(2) **Screening.** Screening around the perimeter of the property on which the~~  
52 ~~facility is located, consisting of a hedge, earthen berm, or fence which will~~

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- 1 present a solid visual screen at least six (6) feet in height within one (1) year  
2 of installation, or otherwise as presented in a Landscape Betterment Plan.
- 3 ~~c. Compliance with Code and other regulations.~~ The proposed electrical power facility  
4 shall comply with all other requirements of this Code and all other relevant state and  
5 federal laws.
- 6 32. **Entertainment, indoor** means an establishment offering entertainment or games of skill  
7 to the general public for a fee or charge and wholly enclosed in a building, excluding  
8 fitness centers and gun clubs. Typical uses include bowling alleys, bingo parlors, movie  
9 theaters, pool halls, billiard parlors and video game arcades. An indoor entertainment  
10 use shall comply with the following supplementary use standards:
- 11 ...
- 12 b. **CG, CC and MUPD districts.** In the CG, CC and MUPD districts, video arcades  
13 and movie theaters are permitted as a right, provided they do not exceeding two  
14 thousand-five hundred (2500) square feet, ~~footage threshold limits below or in Table~~  
15 ~~6.4-2. are a permitted use.~~
- 16 ~~c. CG and MUPD districts.~~ In the CG and MUPD districts, an indoor entertainment use  
17 exceeding two thousand five hundred (2,500) gross square feet shall obtain a Class  
18 B Conditional Use or Requested Use Approval.
- 19 ~~d. c. CCSO district.~~ Indoor entertainment uses shall not exceed five thousand (5,000)  
20 gross square feet floor area.
- 21 33. **Entertainment, outdoor....**
- 22 e. **Safety Fencing and screening.** Safety fences up to a height of ten (10) feet shall be  
23 required around a recreation facility if deemed necessary. ~~A landscape screen of at least~~  
24 ~~seventy-five (75) percent opacity shall be required around a recreation facility use if it is~~  
25 ~~deemed necessary to protect neighboring property from potential loss of use or~~  
26 ~~diminishment of land value.~~
- 27 ...
- 28 SUBPART 37 Section 6.4.D.35, Zoning Districts, Use Regulations and Definitions,  
29 Supplementary Use Standards, is amended to add language from  
30 Article 3 defining excavation, and to relocate Section 6.4.D.35.  
31 regulations to Section 7.6., Site Development Standards, Excavation.
- 32 35. **Excavation.** ~~The provisions in this section set forth the required review process and~~  
33 ~~general standards for each excavation type. Refer to Sec 7.6 (Excavation) for~~  
34 ~~development regulations of all excavation types.~~
- 35 a. **Type I(A) excavation:** *means excavation necessary to create a pond to obtain fill for*  
36 *the construction of a single family dwelling or an accessory structure on a lot one (1)*  
37 *acre or greater with an excavated surface area less than two-tenths (0.2) of an acre.*  
38 *(Article 3)*
- 39 ...
- 40 b. **Type I (B) excavation:** *means excavation necessary for the creation of a pond or*  
41 *lake for the construction of a single family dwelling or accessory use on a lot two and*  
42 *one half (2.5) acres or greater with an excavated surface area in excess of two-tenths*  
43 *(0.2) of an acre but less than two (2.0) acres. (Art. 3)*
- 44 ...
- 45 c. **Agricultural excavation:** *means excavation necessary to support bona fide*  
46 *agricultural production operations, including but not limited to the creation of ponds or*  
47 *lakes to construct accessory structures supporting the agricultural use, livestock*  
48 *ponds, canal laterals and roads, but excluding customary agricultural activities such*  
49 *as plowing and maintenance of canals and roads. (Art. 3)*
- 50 ...
- 51 d. **West County Agricultural Area (WCAA) Excavation:** *means excavation*

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necessary to support bona fide agricultural operations located within the WCAA and has the Agriculture Production designation on the land use map in the land use element of the Palm Beach County Comprehensive Plan. (Art. 3)

...

- e. **Type II excavation**— means excavation necessary to create a lake which is required to implement a development order for a final site development plan provided a minimum of 90% of the extracted material remains on-site. (Art. 3)

...

- f. **Type IIIA Excavations**— means mining activity, primarily for commercial purposes, that extracts materials from the earth and may require limited on-site processing by using mobile crushers, sifters and conveyor systems. A Type IIIA excavation activity shall not include the use of explosive devices or permanent structures or equipment used to process material. (Art. 3)

- g. **Type IIIB Excavations** means mining activity, primarily for commercial purposes, that extracts materials from the earth and may require extensive processing of the material on-site. Type IIIB excavations may involve the use of explosives and permanent heavy industrial structures or equipment to crush, sift and transport the material on site. (Art. 3)

...

**SUBPART 38 Section 6.4.D., Zoning Districts, Use Regulations and Definitions is amended to add and delete language as follows:**

**37.1 Farmer's market...**

- c. **Buffer.** An incompatibility landscape buffer as defined in required by Sec. 7.3 (Landscape and Buffering) shall may be provided omitted if the use is adjacent to a residential use, ~~existing as of the effective date of this ordinance, excluding farm worker quarters and or~~ mobile homes accessory to agriculture.

...

42. **Fruit and vegetable market** means an establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, such as jelly, jam, honey, and juice. The sale of grocery or convenience-type foods or products shall not be permitted. ~~In addition to the property development regulations contained in this code, all~~ A fruit and vegetable markets use shall comply with the following supplementary use standards:.

...

- ~~g. Residential buffers.~~ Markets located on property adjacent to a residential zoning district ~~shall install landscape compatibility buffer alternatives 1, 2, 3, or 4, as defined in Sec. 7.3., for the length of the property line required to screen the market and accessory parking area.~~

- ~~h. g.~~ **AR/Rural, SA, AGR, or RSER districts....**

...

**(5) Markets less than 1,500 square feet....**

- ~~(b) Landscaping.~~ Landscaping shall be required, in accordance with Sec. 7.3, as follows:

- ~~(i) along all perimeters of the site abutting rights-of-way or residentially zoned property;~~

- ~~(ii) if the parking area exceeds the minimum parking requirement by more than (50) percent, then the site shall comply with the minimum tree planting and interior landscape requirements of Sec. 7.3. (Landscape and Buffering).~~

- ~~(c) Vegetation.~~ Existing vegetation shall be preserved in accordance with Sec. 7.6 of this code.

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- 1 43. **Funeral home or crematory** means an establishment engaged in preparing the human  
2 deceased for burial and arranging and managing funerals. A funeral home or crematory  
3 use shall comply with the following supplementary use standards.  
4 ...
- 5 47. **Groom's quarters** means on-site living quarters for persons responsible for grooming  
6 and caring for horses boarded at the stable. Groom's quarters may be permitted as an  
7 accessory use for stables with more than four stalls only, subject to compliance Sec. 5.5  
8 (Special Use Permits) and the following: A groom's quarters use shall comply with the  
9 following supplementary standards.  
10 ...
- 11 ~~d. **Renewal of Special Permit.** The special permit shall be renewed annually in~~  
12 ~~accordance with Sec. 5.5.E.9. of this code.~~
- 13 47.1 **Groves/row crops** means the cultivation of fruits and vegetables for bona-fide  
14 agricultural purposes. Groves/row crops uses within the Urban Service Area shall  
15 comply with the following supplementary use standards.  
16 ...
- 17 b. **Buffering.** A buffer adjacent to residentially zoned areas shall be provided along all  
18 property lines that are not screened by plant material. ~~The buffer shall consist of one~~  
19 ~~(1) tree per thirty (30) linear foot plus hedges twenty-four (24) inches in height and~~  
20 ~~twenty-four (24) inches on center.~~  
21 ...
- 22 48. **Gun club enclosed or open** means a facility used for the discharge of firearms or  
23 projectiles at targets. An enclosed or open gun club ~~or shooting range facility~~ use shall  
24 comply with the following supplementary standards.  
25 ~~a. **District regulations.** An enclosed or open gun club use shall be subject to review as~~  
26 ~~reflected in Table 6.4-1 of this section.~~
- 27 ~~b. **a. Setbacks and buffers.**~~  
28 ~~c. **b. Lot size....**~~
- 29 49. **Gun (Shooting) Range, private** *means a private facility used for the discharge of*  
30 *firearms or projectiles at targets and shall not be used for commercial purposes or by*  
31 *the general public. (Sec. 6.4.D.48.)* An enclosed or open gun club use shall comply with  
32 the following supplementary standards.  
33 a. **Districts.** A private gun range shall be allowed in the AP, AR, SA and AGR district  
34 based on compliance with the following supplementary standards.  
35 a. ~~**Private use only.** A private open or enclosed gun range shall not be used for~~  
36 ~~commercial purposes or by the general public.~~  
37 ...
- 38 50. **Home occupation** means a business, profession, occupation, trade, artisan, or hand  
39 craft, conducted within a dwelling unit for gain or support by a resident of the dwelling unit  
40 pursuant to the limits of this code. A home occupation use shall not include those  
41 businesses which are required by state agencies to be open to the public such as gun  
42 dealers. ~~More than one home occupation may be permitted on a residential lot. A H~~  
43 ~~home~~ occupations use shall be subject to the following supplementary use standards.  
44 ...
- 45 m. **Number.** More than one home occupation may be permitted on a residential lot.  
46
- 47 52. **51. Hospital or medical center....**  
48
- 49 54. **Hotel, motel, SRO, boarding and rooming house** means a commercial  
50 establishment used, maintained or advertised as a place where sleeping  
51 accommodations are supplied for short term rent to tenants, in which rooms are  
52 furnished for the accommodation of such guests, which may have as an accessory use  
53 one or more dining rooms. Typical uses include hotels, motels, single room occupancy  
(SROs) and rooming and boarding houses. A hotel, ~~or motel, SRO, boarding and~~  
rooming house use shall comply with the following supplementary use standards.

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- 1 a. **CHO and CG districts.** In the CG and CHO districts, the following supplementary  
2 standards shall apply to a hotel or motel, SRO, boarding and rooming house use.  
3 ...
- 4 d. **CRE district.** In the CRE district, a hotel or motel, SRO, boarding and rooming house  
5 use shall ~~not only~~ be located in an RR10 land use designation of the Comprehensive  
6 Plan, as a Class A Conditional Use.  
7 ...
- 8 53. **Kennel, commercial** means a commercial establishment, including any building or land  
9 used, for the raising, boarding, breeding, sale or grooming of such domesticated  
10 animals such as dogs and cats, not necessarily owned by the occupants of the premises,  
11 for profit. A commercial kennel use may be operated in conjunction with a residence and  
12 shall be subject to the following supplementary use standards:  
13 d. **Setbacks.** ~~No structure or~~ Outdoor runs shall not be located within ~~twenty five one~~  
14 hundred (25100) feet of any property line.  
15 e. **Outdoor runs.** Outdoor runs shall be hard surfaced or grassed with drains provided  
16 every ten (10) feet, and shall be connected to an approved sanitary facility. Outdoor runs  
17 shall provide a chain-link material on the walls and the top. ~~If necessary to protect the~~  
18 ~~general public,~~ Safety fences of up to a height of six (6) feet shall be required on around  
19 ~~outdoor runs. If necessary to protect neighboring property, a landscape screen of at least~~  
20 ~~seventy-five (75) percent opacity the safety fence is not opaque, a continuous solid~~  
21 ~~opaque hedge a minimum of four (4) feet at installation, shall be provided around the~~  
22 ~~outdoor run.~~  
23 ...
- 24 55. **Landscape maintenance service** means an establishment engaged in the provision  
25 of landscape installation or maintenance services, but excluding retail or wholesale sale  
26 of plants or lawn and garden supplies from the premises. A landscape maintenance  
27 service use shall comply with the following supplementary use standards.  
28 a. **AR district....**  
29 b. **Buffering.** An landscape incompatibility buffer as defined in required by Sec. 7.3  
30 (Landscape and Buffering) shall may be provided omitted if the use is adjacent to an  
31 ~~existing residential use excluding farm worker quarters and or~~ mobile homes  
32 accessory to agriculture.  
33 ...
- 34 f. **Accessory use.** The use may be an accessory use to a retail or wholesale nursery  
35 subject to DRC approval. In the Urban Service Area the accessory use shall be on a  
36 minimum of five (5) acres.  
37 ...
- 38 57. **Lounge, cocktail...**  
39 d. **Outdoor areas.** Outdoor and open lounge areas shall be subject to the compatibility  
40 requirements of Sec. 7.3.E.3.b (Compatibility landscape buffer strips), and shall be  
41 subject to additional site design requirements to protect neighboring residential  
42 districts or uses against negative impacts from the open lounge area.
- 43 58. **Machine or welding shop....**  
44 a. **IL district.** In the IL district, a machine or welding shop use shall not exceed two  
45 thousand (2,000) square feet of gross floor area ~~unless approved as~~ without a Class "B"  
46 Conditional ~~Use~~ approval.  
47 ...
- 48 59. **Marine facility** means a commercial facility relating to boating. Typical uses include  
49 boatdocks, marinas, boatyards, yacht clubs and marina boatels. A marine facility use  
50 shall be subject to the following supplementary use standards:  
51 ~~a. CRE and CHO districts. In the CRE and CHO districts, boatyards shall be prohibited.~~  
52 ~~b. a. Dock length....~~  
53 ~~c. b. Sewage and water facilities....~~

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- ~~d.~~ c. **Boatel units....**
- ~~e.~~ d. **Setbacks...**
- ~~f.~~ e. **Boatyards and charter boat operations.** Boatyards and charter boat operations shall be subject to a Class "B" Conditional Use approval in the IL district. ~~Parking requirements for such activities shall be determined based on the characteristics of the proposed use.~~

...

**SUBPART 39 Section 6.4.D.62, Zoning Districts, Use Regulations and Definitions, Supplementary Use Standards, Mobile home dwelling is amended to relocate Section 6.4.D.62. regulations to Section 6.4.D.86.h., Site Development Standards, Security or caretaker quarters.**

**62. Mobile home dwelling** means the use of a lot or a unit for one (1) mobile home. ~~A mobile home dwelling shall not be used for storage in any district. A mobile home dwelling use shall be subject to the following supplementary use standards.~~

**a. Accessory dwelling to agriculture.** One (1) mobile home dwelling shall be permitted as an accessory use to a principal bona fide agricultural use.

...

**b. Temporary dwelling during home construction.** In the AR-Rural and CRS districts, placement of a mobile home dwelling shall be permitted on a temporary basis subject to the following standards:

...

c. Storage. *A mobile home dwelling shall not be used for storage in any district. (6.4.D.62.)*

**63. ~~Mobile home park~~** means ~~a planned development district approved according to Sec. 6.8, (Planned Development District Regulations). A mobile home park use shall be permitted only in the MHPD, Mobile Home Park Planned Development District. Reserved for future use.~~

...

**65. Multi-family....**

**a. Accessory uses....**

**b. Developments of ten (10) units or more.** Multi-family development consisting of ten (10) or more units shall be subject to the multi-family recyclable material storage area standards of Sec. 6.6.A.6. (Multi-family recyclable material storage areas Supplementary Regulations).

**66. Nursery, retail....**

~~f. Minimum lot size.~~ In the Urban Service Area, the minimum lot size shall be five (5) acres.

~~gf.~~ **Compatibility....**

~~hg.~~ **Preservation...**

~~ih.~~ **Spraying....**

~~ji.~~ **Notification...**

**66.1 Nursery, wholesale...**

**c. Parking and loading.** All parking and loading associated with any nursery related use shall occur on nursery acreage, and not on access easements, or public or private rights-of-way, or through streets.

...

~~h.g.~~ **Urban Service Area....**

**(3) Buffering.** A buffer shall be provided along all property lines that are not screened by plant material. ~~The buffer shall consist of one (1) tree per thirty (30) linear foot plus hedges 24 inches on center.~~

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- i. h. **AGR district....**
67. **Nursing or convalescent facility....**
- ~~e. **Room size.** Sleeping rooms shall be no less than one hundred (100) square feet for each patient single occupancy or eighty-five (85) square feet for each patient double occupancy.~~
- ~~f. **No housekeeping.** Rooms or suites of rooms shall not be designed, altered or maintained for housekeeping or family living purposes.~~
- ~~g. **Food preparation.** The preparation of food shall be accomplished at a central kitchen facility under the auspices of a trained nutritionist. Meals can be served to persons in their rooms.~~
- ~~h. **Staff.** A nursing or convalescent facility in excess of twenty (20) patients shall have a minimum of one (1) Licensed Practical or Registered Nurse for each floor or for every fifty (50) patients. Facilities with less than twenty (20) patients shall have a Licensed Practical Nurse (LPN) on duty twenty-four (24) hours a day.~~
- ~~i. **Room facilities.** Each patient room shall be equipped with sanitary facilities in addition to audio monitors and call buttons. One (1) bathing facility shall be provided for every ten (10) patients.~~
- ~~j. e. **Minimum leisure floor area....**~~

...

68.1 **Packing plant ...**

a. **Urban Service Area....**

b. **AGR district....**

- (2) **Buffer.** An incompatibility landscape buffer as defined in required by Sec. 7.3 (Landscape and Buffering) shall may be provided omitted if the use is adjacent to a residential use, existing as of the effective date of this ordinance, excluding farm worker quarters or mobile homes accessory to agriculture and farm worker quarters.

69. **Park, passive....**

~~a. **Use limitations** PC District....~~

...

71. **Parking garage or lot, commercial...**

...

- d. **Dead storage of vehicles.** Dead storage of vehicles shall be permitted in the IL district if screened from view with a six (6) foot high fence or hedge only, subject to Sec. 6.5.J.9 (Additional IL and IG district regulations).

...

73. **Potting soil manufacturing** means an establishment engaged in producing potting soil, including the use of incineration. A potting soil manufacturing facility is usually a combination of other types of facilities listed in this section. If a potting soil facility includes chipping, mulching, or grinding, or air curtain incinerator, adherence to chipping and mulching standards in this section is required. If a potting soil facility includes composting, adherence to composting standards in this section is required. If a potting soil facility includes incineration, adherence to air curtain incinerator standards in this section is required. the supplementary use standards applicable to such uses shall also be required. A potting soil manufacturing use shall comply with the following supplementary use standards.

- a. **Setback from residential districts and uses.** Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. A potting soil manufacturing use shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use.
- b. **Health and environmental regulations.** A potting soil facility shall be subject to all applicable regulations of the FDER (including Chapter 17-701, F.A.C), the

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- PBCPHUHD, and the Solid Waste Authority, and the Fire Marshall.
- ~~c. Odor and dust reduction.~~ A potting soil facility use shall be designed and operated to restrict objectionable odor and dust from entering adjacent properties.
- ~~d. c. Access....~~
- ~~e. d. Storage.~~ On-site storage of unprocessed material shall be limited to forty-five (45) days and pile height of storage material shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. Storage areas shall be effectively screened from view, pursuant to Sec. 6.6. (Supplementary Regulations). ~~Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts.~~
- ~~f. e. Landscaping and bBuffering.~~ The operation is subject to the compatibility requirements of Sec. 7.3.E.3.b (Compatibility landscape buffer strips). However, an ~~Alternative Landscape Strip Number 3~~ shall be required along property lines adjacent to a residential zoning district or use. The standards shall be waived if the required landscape buffer is not visible from adjacent lots or rights-of-way. An incompatibility buffer as required by Sec. 7.3 (Landscape and Buffering) shall be provided if the facility is adjacent to an existing residential zoning district or use.
- ~~g. f. Supplemental application requirements....~~
- (1) Site plan....
  - (2) Hours of operation. A statement specifying the hours of operation (hours of operation are limited to 8:00 a.m. to 5:00 p.m. Monday through Friday if adjacent to residential zoned property);.
  - (3) Waste....
  - (4) Letter of approval. The applicant shall provide A a notarized letter of approval shall be provided from the property owner verifying consent to use the property for potting soil manufacturing.
  - (5) Dust control. A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

76. Recycling plant....

- a. ~~Compatibility, screening, buffering.~~ The proposed recycling plant shall be properly located and buffered to ensure compatibility with surrounding uses. To ensure use compatibility with surrounding uses, adequate setbacks, and screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or ~~rights-of-way~~ R-O-Ws. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following.

- (3) **Screening and fencing.** All storage areas shall be effectively screened from view by on-site walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from ~~rights-of-way~~ R-O-Ws or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater. For an outdoor recycling plant contiguous to property in a residential district, an opaque fence/wall a minimum of eight (8) feet in height shall be placed along the inside border of the required landscape strip buffer. The purpose of the fence/wall inside the landscape strip buffer is to supplement and protect the landscape strip buffer from the intensive activity of the recycling facility ~~and to supplement the landscape strip as a buffer.~~
- (4) **Perimeter landscape ~~b~~Buffering strips.** Buffer strips must be installed using

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Alternative Landscape Strip Number 3, pursuant to Sec. 7.3.E.3.b (Compatibility landscape buffer strips) for facilities in industrial districts contiguous to land zoned for industrial use and for completely enclosed recycling plants in the CC, CG, IL, and IG Districts. For all other facilities, an Alternative Landscape Strip Number 4 shall be installed, provided that when the property line is contiguous to a residential districts, the landscape incompatibility buffer strip shall be fifty (50) feet in width.

...

e. **Chipping and mulching.** If a recycling plant facility includes chipping or grinding, adherence to chipping and mulching standards in of Sec. 6.4.D.20 is required.

~~f. **Performance standards.** The operation of a recycling plant shall conform to all other requirements of this Code.~~

~~g. **Consistent with Comprehensive Plan.** The proposed recycling plant shall be consistent with the goals, objectives and policies of the Comprehensive Plan and this section.~~

~~h. **f. Supplemental application requirements.** In addition to the standard requirements of this Code, applications for recycling plants shall include the following:~~

...

~~(8) **Solid waste district.** A recycling plant may also be located in the Solid Waste Planned District.~~

## 77. Repair and maintenance, general....

### d. Service bay orientation....

(1) **Buffer requirements.** Bay doors adjacent to an arterial or collector street shall require the following: a Type 2 incompatibility buffer per Sec. 7.3 (Landscape and Buffering).

~~(a) a 15 (fifteen) foot minimum buffer width, and~~

~~(b) a two (2) foot high minimum berm, and~~

~~(c) a four (4) foot overall opaque screen at the time of C.O. for sixty-six (66) percent of the frontage made up of a hedge, fence, berm or combination thereof, and~~

~~(d) **Palm clusters.** Clustering of three (3) palms, spaced a maximum of thirty (30) feet on center, as an alternative to required shade trees shall be permitted for up to fifty (50) percent of the total shade trees required.~~

(2) **Bay doors facing a residential district or use.** ~~Where b~~ Bay doors are facing a residential district or use separated by an arterial or collector street, the following shall be required in addition to the above: shall require a Type 3 incompatibility buffer per Sec 7.3 (Landscape and Buffering).

~~(a) a six (6) foot overall opaque screen at the time of C.O. for sixty-six (66) percent of the frontage made up of a hedge, fence, berm or combination thereof.~~

### e. No loudspeakers....

### f. Vehicle testing on residential streets....

~~g. **Water recycling.** Any accessory automatic car wash facility shall utilize a water recycling system.~~

~~h. **Oil recycling.** All oil or hazardous waste shall be recycled as prescribed by the United States Environmental Protection Agency.~~

~~i. **Audio testing.** Audio noise shall not exceed the maximum permissible sound levels in Sec. 7.8.A.4.~~

...

~~81.479.1 Restaurant, high turnover sit-down...~~ (Relocated from 81.1 to 79.1)

...

**82. Retail sales, general** means an establishment providing general retail sales or rental

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of goods, but excluding those uses specifically classified in another use type. Uses include typical retail stores such as but not limited to clothing stores, auto parts stores, bookstores, business machine sales, food stores (excluding convenience stores), window tinting, and marine supply sales (excluding boat sales). Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may rent and perform incidental repair to their products. For impact fee purposes, general retail will also include services such as entertainment, eating and drinking establishments, and personal services. A general retail sales use shall comply with the following supplementary use standards.

83. Retail sales, mobile, temporary ~~or transient~~ ...

b. Temporary sales....

~~(3) Parking.~~ meet the off-street parking requirements of Sec. 7.2;

~~(4)(3) Tent.~~ ...

~~(5) Lighting.~~ comply with Sec. 6.6.1 (Outdoor lighting standards); and

~~(6)(4) Signage.~~ ...

(a) **Size.** For a temporary sale, one (1) on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed twenty thirty-two (2032) square feet in sign area, shall not exceed six (6) feet in height from finished grade and shall be located at least five (5) feet from all base building lines.

(b) **Duration.** ...

~~(7)(5) Debris.~~ ...

~~(8)(6) AGR and SA districts.~~ ...

~~(9)(7) Special provisions for the sale of sparklers.~~ ...

(a) **Seasonal limitations.** ...

(b) **Location.** The sale of sparklers shall be limited to the ~~General Commercial (CG) and Light Industrial (IL)~~ districts.

(c) **Hours of operation.** ...

(d) **Electrical service.** ...

(e) **Storage trailers.** Temporary storage trailers may be permitted in conjunction with the temporary sales. Trailers shall be parked a minimum of seventy-five (75) feet from primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.

(f) **Supplemental application requirements.** ...

c. Mobile sales....

(1) **District.** Be limited to the ~~CCSO-Community Commercial Services Overlay, CC-Community Commercial, CG-General Commercial or and IL-Light Industrial Zoning Districts~~;

(2) **Location.** ...

(3) **Adjacent residential district.** ~~Not be located immediately adjacent to any A mobile vendor shall not be located within four hundred (400) feet of a residentially zoned area use or district, excluding properties zoned AR. However, on commercial and industrial sites which support active commercial or industrial uses, a mobile sales operation shall be permitted on that site if the site is a minimum of twenty-five (25) acres and the mobile sales operation is located on the site so that it is screened from the adjacent residential use;~~

86. **Security or caretaker quarters** means a residence, located on a site for occupancy by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises. A security or caretaker quarter use shall comply with the following supplementary use standards.

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1 **a. Maximum number of quarters...**

2 **b. Limitation on occupancy.** The security or caretaker quarters use shall be for the  
3 exclusive use of and shall be occupied only by the custodian, caretaker, owner, or  
4 employee of the owner of the principal use, and their family. Such individual person  
5 shall be actively engaged in providing security, custodial or managerial services  
6 upon the premises.

7 ...

8 **e. Use of mobile home.** A mobile home may be used for a security or caretaker  
9 quarters use only in the AGR, AP, SA, RSER, AR, IL, IG, and PO, MHPD, RVPD, and  
10 SWPD zoning districts. Mobile homes as accessory to bona fide agriculture in  
11 districts within the Urban Services Area shall be on a minimum of five (5) acres.  
12 Agricultural uses outside the Urban Services Area, shall meet the lot size and property  
13 development regulations of the district. See Sec. 6.4.D.62.

14 ...

15 **h. Renewal of Special Permit.** If a mobile home is used, the special permit shall be  
16 renewed annually in accordance with Sec. 5.5.E.9. of this code (Special Permit  
17 Uses).

18 **i. Accessory to bona fide agriculture.** (regulations from 6.4.D.86.h. relocated to  
19 6.4.D.62.a.)

20 **87. Self-service storage....**

21 **a. General....**

22 **(6) Landscaping and buffering....**

23 ~~(b) Supplemental planting.~~ The following planting standards shall apply,  
24 regardless of the buffer and wall option:

25 ~~(i) Planting.~~ A minimum of one (1) tree shall be planted for each twenty (20)  
26 feet of perimeter landscape strip:

27 ~~(ii) Aisle ways.~~ The gross area of interior aisle ways in a self-service storage  
28 facility shall be treated as a specialized vehicular use area, pursuant to Sec.  
29 7.3.E.2.b (Other vehicular use areas used by the public), provided that one  
30 (1) additional tree shall be planted for each five hundred (500) square feet  
31 of landscape area transferred to the perimeter of the lot.

32 ~~(iii) Height.~~ Immediately upon planting, trees shall be a minimum of ten (10) feet  
33 in height with a crown spread of five (5) feet:

34 ~~(iv) Buffering.~~ If alternative landscape buffer strip number 2 is selected, a  
35 hedge shall be installed in the perimeter buffer. The hedge shall be a  
36 minimum of twenty-four (24) inches in height upon planting with material  
37 planted twenty-four (24) inches on center.

38 ~~(c) Dumpsters.~~ Dumpsters and trash receptacles shall be screened from view  
39 of adjacent lots and streets.

40 ...

41 **c. Supplemental standards for limited access self-storage facilities....**

42 ~~(5) Parking.~~ Parking shall be provided in accordance with Sec. 7.2. Parking  
43 allocated to the storage bays shall be distributed among and conveniently  
44 located to the loading areas:

45 **d. Additional supplemental standards for limited access self-service storage**  
46 **facilities....**

47 ~~(9) Buffer.~~ A type three (3) perimeter landscape buffer, as defined in Sec. 7.3,  
48 shall be provided on any property line adjacent to a residential district.

49 ~~(10) Outdoor lighting.~~ Outdoor lighting shall comply with the standards in Sec.  
50 7.8.

51 ...

52 **89. Solid waste transfer station....**

53 **a.(1) Compatibility, screening, bBuffering.** The proposed solid waste transfer

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station shall be properly located and buffered to ensure compatibility with surrounding uses. To ensure use compatibility with surrounding uses, adequate setbacks, and screening and buffering around the perimeter of the proposed solid waste transfer station shall be required at the time the facility is constructed. The standards buffer requirements shall be waived if any of landscape the required buffer is not visible from adjacent lots or rights-of-way R-O-Ws. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

**b.(2) Setbacks....**

**c.(3) Screening and fencing....**

**d.(4) ~~Perimeter landscape~~ Buffer strips.** Buffer strips shall be installed using Alternative Landscape Strip Number 3, pursuant to Sec. 7.3.E.3.b (Compatibility landscape buffer strips) for facilities in industrial zoning districts contiguous to land zoned for industrial use. For all other facilities, Alternative Landscape Strip Number 4 shall be installed, provided that wWhen the property line is contiguous to property in a residential district, the landscape incompatibility buffer strip shall be a minimum fifty (50) feet in width.

**a.e. Access...**

**b.f. Drainage...**

**c.g. Storage areas...**

**d. ~~Performance standards.~~** The operation of a solid waste transfer station shall conform to all other requirements of this Code.

**e. ~~Consistent with Comprehensive Plan.~~** The proposed solid waste transfer station shall be consistent with the goals, objectives and policies of the Comprehensive Plan and this section.

**h.f. Supplemental application requirements...**

...

**94.1 Theater, indoor** means an establishment for showing motion pictures or live performances in an enclosed building.

**a. CRE district.** In the CRE district, an indoor theater use shall not be located in an RR10 land use designation of the Comprehensive Plan. If the facility exceeds three (3) acres in the IL zone then the use must rezone to the CRE district.

**b. CG, CC and MUPD districts.** In the CG, CC and MUPD districts indoor theaters not exceeding two thousand-five hundred (2500) square feet, are a permitted use.

**c. CCSO district.** Indoor theater uses shall not exceed five thousand (5,000) gross square feet floor area.

**d. IL district.** If the facility exceeds three (3) acres in the IL zone then the use must rezone to the CRE district.

...

**95. Townhouse** means a dwelling unit located on an individual lot and attached by at least one but no more than two (2) party wall(s) along a minimum fifty (50) percent (50%) of the maximum depth of the unit, to one (1) or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots. A townhouse development shall comply with the following supplementary use standards. In the case of conflict with the property development regulations of the district, these standards shall apply.

**a. General development regulations...**

**(1) General...**

**b. Minimum lot area:**

**(1) Size.** No townhouse lot shall be less than sixteen hundred (1,600) square feet.

**(2) Ownership.** Where any portion of the original lot is not divided among and incorporated into the resulting townhouse lots, then that portion of the original lot shall be held by either of the following or a combination of the following:

---

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(1)a) **Common area.** Where any portion of the original lot is not divided among and incorporated into the resulting townhouse lots, then that portion of the original lot shall be held by either of the following or a combination of the following, in a form and manner acceptable to the County Attorney.

(a) **Undivided interest.** The lot owners, in which event ~~e~~ Each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of said lot; or

(b) **Property owners association.** A property owners association.

~~c.~~(2) **Minimum lot width.** The minimum width of a townhouse lot shall be sixteen (16) feet; and ~~t~~ **Individual lot.** The minimum area to be conveyed to the lot owner shall be no less than one hundred (100) percent of the total ground floor building area of the dwelling unit. ~~Where one hundred (100) percent of the townhouse lot is conveyed in fee simple then~~ **A** home owners maintenance association shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.

~~d.~~ **Setbacks and separations.** A townhouse development shall comply with the following setbacks and separations:

~~(1) Minimum townhouse setbacks from streets.~~ (This table and notes have been relocated to Table 6.5-2.b.)

~~(2) Minimum townhouse separations from streets.~~ (This table and notes have been relocated to Table 6.5-2.c.)

~~e.~~**d.** **Height.** No building or structure shall exceed thirty-five (35) feet in height.

~~f.~~**e.** **Accessory buildings and structures....**

~~g.~~**f.** **Access and parking.**

~~h.~~**g.** **Replacement of similar structure....**

~~i.~~**h.** **Issuance of certificate of occupancy....**

~~j.~~**i.** **Minimum townhouse attachment.** A townhouse unit shall be attached to another townhouse unit along a minimum of fifteen (15) feet of the length fifty (50) percent of the maximum depth of the unit. This minimum attached length between townhouses is limited to the portion of a building supporting an air conditioned living area, a garage or a storage area and shall share a continuous foundation with the townhouse building.

...

#### 96. Utility, minor...

a. Location...

~~b.~~ **Compatibility, ~~b~~Buffering, screening.** The proposed minor utility shall be properly located and buffered to ensure compatibility with surrounding land uses. ~~If deemed necessary to ensure compatibility with surrounding uses, adequate setbacks, screening and buffering around the fenced area of the utility shall be required at the time the facility is developed. The standards~~ buffer requirements shall be waived if any of the required landscape buffer is not visible from adjacent lots or rights-of-way R-O-Ws.

~~c.~~ **Compliance with the Code and state and federal laws.** The proposed utility shall meet all requirements of this Code and all other relevant state and federal laws.

~~d.~~**c.** **Maximum size of structure...**

...

97.1 ~~Vehicle repair and related services, minor mobile~~ has been deleted from the ULDC.

#### 98. Veterinary clinic...

e. Outdoor runs...

(2) **Setbacks.** No Outdoor runs or ~~boarding structure~~ shall not be located within ~~twenty-five (25)~~ one hundred (100) feet of any property line. Boarding structures

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shall not be located within twenty-five (25) feet of any property line.

- (3) **Design.** Outdoor runs shall be hard surfaced or grassed with drains provided every ten (10) feet, and shall be connected to an approved sanitary facility. Outdoor runs shall provide have a chain-link fencing material on the sides walls and the top. If ~~necessary to protect the general public,~~ safety fences of up to a height of six (6) feet shall be required on around outdoor runs. If ~~necessary to protect neighboring property from potential loss of use or diminishment of land value,~~ a landscape screen of at least seventy-five (75) percent opacity the safety fence is not opaque, a continuous solid opaque hedge a minimum of four (4) feet at installation, shall be provided around the outdoor run.

...

100. Warehousing....

~~b. Parking.~~ The commercial establishment shall require limited off-street parking.

~~c.b. Public access....~~

~~d.c. Sales....~~

~~e.d. Storage....~~

~~f.e. Manufacturing....~~

~~g.f. Office/Warehouse in the WCRA-O....~~

- (2) **Regulations.** The approved office-warehouse combination shall comply with follow the all warehouse the regulations of Sec. 6.4.D.100a-f. ~~as shown in this section.~~

~~h.g. Conforming use status of prior approvals....~~

101. Water or wastewater treatment facility and dewatered domestic wastewater residuals land application....

- d. **Compatibility, buffering, screening.** ~~The proposed water or wastewater treatment facility shall be properly located and buffered to ensure compatibility with surrounding land uses. Adequate setbacks, screening and buffering around the perimeter of the proposed water and/or wastewater facility site shall be required at the time the facility is developed. For purposes of this section, the AR-Agricultural Residential Zoning District is not considered a residential district. Required setbacks, screening and buffering shall include, but shall not be limited to, the following.~~

...

Table 6.4-67....

Notes for Table 6.4-70TES:....

Table 6.4-78....

Notes for Table 6.4-80TES:

- <sup>1</sup> Unless treatment for removal of sulfides for odor control is included.

...

~~5 Unless treatment for removal of sulfides for odor control is included:~~

- (1) **Buffer.** Perimeter landscape buffers strips with a minimum width of twenty-five (25) feet;

...

- (3) **Screening.** Screening around the perimeter of the site, consisting of a hedge, earthen berm, fence or wall which will present a solid visual screen at least six (6) feet in height within one (1) year of upon installation.

~~e. Complies with the Code and state and federal laws.~~ The proposed water or wastewater treatment facility meets all requirements of this Code and all other relevant state and federal laws.

~~f. Consistent with the Comprehensive Plan.~~ The proposed water or wastewater treatment facility is consistent with the goals, objectives and policies of the Comprehensive Plan.

~~g.e. Package water or wastewater treatment facility....~~

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~~(5) Standards. Package treatment facilities, where permitted, shall be designed and installed in accordance with all relevant state, federal and local utility standards.~~

....

i. Dewatered Domestic Wastewater Residual Land Application....

(2) AR district....

(b) Internal separation....

These ~~setbacks~~ separations may be reduced or increased by the DRC when approved by the Director of the Palm Beach County Public Health Unit PBCHD and found by the DRC to be consistent with the adopted Comprehensive Plan, the intent of this section, and the compatibility standards of this Code.

...

103. **Zero lot line home** means the use of a lot for one (1) detached dwelling unit excluding a mobile home but including a manufactured building with at least one (1) wall, but not more than two (2) walls or a portion thereof, located directly adjacent to a side lot line,. A ~~zero lot line~~ ZLL home development use shall comply with the following supplementary use standards. In the case of conflict with the property development regulations of the district, these standards shall apply.

...

~~b. Design standards...~~ relocated to section 6.6.D.

TABLE 6.4 - 8 Relocated to TABLE 6.5-3

~~d.b. Access...~~

~~e.c. Parking...~~

~~f.d. Replacement....~~

SUBPART 40 Section 6.5., Zoning Districts, Property Development Regulations is amended to add language as follows:

NOTES FOR TABLE 6.5-1:

...

B. General exceptions.

...

3. **Townhouse development.** Notwithstanding the requirements of Table 6.5-1, the property development regulations, except for density, for townhouses in all districts where they are authorized shall be as follows. ~~specified in Sec. 6.4.D, Supplementary Use Standards—Townhouse. Density shall be determined according to Table 6.5-1.~~

...

TABLE 6.5-2a

Property Development Regulations for Townhouse Developments.

	<i>25' Maximum Building Height</i>	<i>35' Maximum Building Height</i>
<u>Minimum lot size</u>	<u>Non planned development 1,600 square feet</u> <u>Planned development 1,000 square feet</u>	
<u>Minimum lot width</u>	<u>16 feet</u>	

TABLE 6.5-2b

Minimum townhouse setbacks

<b>YARD</b>	<b>SETBACKS (25' Maximum Building Height)</b>	<b>SETBACKS (35' Maximum Building Height)</b>

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<i>Front</i>	<i>25 feet - garage 15 feet - unit</i>	<i>30 feet - garage 20 feet - unit</i>
<i>Side (interior)</i>	<i>15 feet</i>	<i>25 feet</i>
<i>Side (street)</i>	<i>25 feet</i>	<i>25 feet</i>
<i>Rear</i>	<i>25 feet</i>	<i>25 feet</i>

**Notes for Table 6.5-2b:**

- (a) *Setbacks shall be measured from perimeter property lines, required landscape buffers, canal R-O-Ws, residential access streets, road R-O-Ws, and pod boundaries.*

...

**TABLE 6.5-2c**  
**Minimum townhouse separations**

<b>YARD</b>	<b>SEPARATIONS (25' Maximum Building Height)</b>	<b>SEPARATIONS (35' Maximum Building Height)</b>
<i>Front</i>	<i>25 feet</i>	<i>30 feet</i>
<i>Side (interior)</i>	<i>15 feet</i>	<i>25 feet</i>
<i>Side (street)</i>	<i>25 feet</i>	<i>25 feet</i>
<i>Rear</i>	<i>25 feet</i>	<i>25 feet</i>

**Notes for Table 6.5-2c:**

- (a) *Separations between two townhouse groups shall be measured by drawing a center line between the two adjacent groups and measuring a minimum distance of seven and one half (7.5) feet from the centerline between the proposed enclosures structures to ensure an equidistant separation of a minimum of fifteen (15) feet. (6.6.A.10.b.(3)(c))*

~~(b) Minimum townhouse separations do not apply to the proximity of an accessory structure to a townhouse unit.~~

- ~~(b) Separations shall apply to the proximity of one townhouse building group (group of attached townhouses) (including accessory structures) to another. (6.4.D.95)~~

...

- a. Accessory buildings.** Accessory buildings, are permitted on lots not less than thirty (30) feet in width and shall meet the requirements of Sec. 6.5.B.5.

- 4. Zero Lot Line development.** Notwithstanding the requirements of Table 6.5-1, the property development regulations, except for density, for Zero Lot Line homes in all districts where they are authorized shall be as follows.

**TABLE 6.5-3**  
**Property Development Regulations for Zero Lot Line Developments.**

	<b>INTERIOR LOT</b>	<b>CORNER LOT</b>	<b>CORNER LOT</b>
		<b>ZERO LOT LINE HOME</b>	<b>SIDE STREET HOME</b>
<i>Minimum Lot Size<sup>1</sup></i>	<i>4,500 s.f.</i>		
<i>Minimum Lot Width And Frontage<sup>2</sup></i>	<i>45 feet</i>	<i>55 feet</i>	<i>60 feet</i>
<i>Minimum Lot Depth</i>	<i>75 feet</i>		
<i>Minimum Setbacks</i>			

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Front	Front loading garage 25 feet  Side loading garage 10 feet  Living quarters 10 feet		
Side Interior	Non Zero Lot Line 10 feet  Zero Lot Line 0 feet	Zero Lot Line 0 feet	Non Zero Lot Line 10 feet
Corner	N/A	15 feet	15 feet
Rear	10 feet		
Maximum Lot Coverage	50% - building		

**Notes for Table 6.5-3:**

<sup>1</sup> The gross density of the development shall be consistent with the allowable density of the Comprehensive Plan. This allowable density may result in a minimum lot size in excess of the forty-five hundred (4,500) square feet indicated above.

<sup>2</sup> Minimum frontage and width may be measured from the front building setback.

**a. Accessory buildings.** Accessory buildings shall meet the setback requirements for the principal structure. (6.4.D.103.)

**4. 5. Special density programs.** Special density programs for affordable housing are available through the use of VDBP, TDR, TND, and Westgate CRA-O. Site development standards for affordable housing may be in accordance with 6.5.L of this code.

...

**SUBPART 41 Section 6.5.G., Zoning Districts, Property Development Regulations, Setbacks is amended to add language as follows:**

...

**2. Interior side setback....**

~~b. Accessory structures for Townhouses and Zero lot line homes.~~ Setbacks for accessory structures for Townhouses and Zero lot line homes are described in Sec. 6.4.D. (Supplementary Use Standards), for Townhouses and Zero lot line homes.

**b. RM and RH interior side setbacks or separations...**

~~d. Accessory structures for Townhouses and Zero lot line homes.~~ Setbacks for accessory structures for Townhouses and Zero lot line homes are described in Sec. 6.4.D. (Supplementary Use Standards), for Townhouses and Zero lot line homes.

...

**6. Setbacks abutting passive open space: Open space setback reductions.** The rear or interior side setbacks for structures abutting an open space may be reduced by a maximum of twenty five (25%) percent of the standard setback distance provided the following conditions are met: The rear or side setback may be reduced along the length of a lot line abutting open space with a minimum of fifty (50) feet of width provided all construction, earthwork, and maintenance shall be conducted on that lot. This reduction shall not be used in conjunction with other setback reduction regulations. Setback reductions shall be a maximum of twenty-five (25) percent unless otherwise stated in this code.

~~a. The entire length of the structure shall be adjacent to open space (lake, canal, preserve area, golf course, etc.) with a minimum width of fifty (50) feet; and,~~

~~b. All construction and earthwork shall be completed within the boundaries of the~~

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owners' lot.

...

**J. District specific regulations...**

**2. Additional AR and CRS district regulations for Accessory structures.**

- a. **Conforming lots.** ~~Non-residential~~ Accessory structures may be located within the required minimum side or rear setbacks, provided that such structures are not located within twenty-five (25) feet of any side or rear property line.
- b. **Nonconforming lots.** Accessory ~~non-residential~~ structures may be constructed a distance of fifteen (15) feet from the rear property line or at least five (5) feet from any established easement in the rear, whichever is the greater distance, and fifteen (15) feet from the interior side property line, provided that the accessory structure is not located within the required front yard and street side yard setbacks. Except as provided elsewhere in this Code, activities accessory to the principal use such as pens for the keeping of livestock and containerized plants shall be located a minimum of ten (10) feet from any side or rear property line.

...

**8. Additional CC district regulations.** The following additional property development regulations shall apply to the CC district.

...

**b. Enclosed uses....**

- (1) ~~(19) Agricultural Stand for sale of agricultural products;~~  
(the numbers following this are renumbered (2) through (20))

...

**K. Easement encroachment....**

**2. Prohibition.** No construction or landscape installation shall occur within any public or quasi-public drainage or utility easement where such construction or landscaping is inconsistent with the use for which the easement was established, except in strict accordance with the provisions of this section.

No portion of any habitable structure, screen enclosure, pool, or spa, nor any structure that is not easily removable shall be permitted to encroach an easement.

...

**Table 6.5-24**

...

**SUBPART 42 Section 6.6., Zoning Districts, Supplementary Regulations, is amended to add language as follows:**

**A. Accessory uses and structures.**

**1. General...**

...

- c. **Floor area.** ~~In total, all Accessory uses to a non residential use~~ shall not exceed thirty (30) percent of the floor area or business receipts of the principal use, or uses. Accessory uses in residential districts in the Urban Service Area shall not exceed the square footage of the principal use.

**2. Fences, walls and hedges....**

**c. Residential restrictions.** In residential districts, the following restrictions shall apply.

- (1) **Fences and walls.** Fences and walls may be erected along or adjacent to a lot line to a height not exceeding six (6) feet in the required side (to the required front setback) and rear yards and not exceeding a height of four (4) feet in the required front yards. The height shall be measured in accordance with the height measurement requirements for landscape barriers within Incompatibility buffers of Sec. 7.3 (Landscape and buffering) adjacent to the wall from the lowest grade on either side of the wall, fence or hedge. Both sides of any wall or fence shall be

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properly finished with paint, stucco, or other commonly accepted materials.

...

- (3) **Gateposts and, attached light fixtures, gates and decorative posts.** Gateposts, and attached light fixtures and decorative posts in the front yard not exceeding three (3) feet in any horizontal dimension may be erected or constructed in connection with the erection of a wall or fence; ~~said~~ if gateposts, attached light fixtures, gates, or decorative posts are used, they are shall not to exceed a ~~maximum~~ height of two (2) feet above the maximum fence height permitted for the wall or fence immediately contiguous to ~~them~~ such gateposts, and decorative posts shall be spaced a minimum of eight (8) feet on center.

- d. ~~Planned development restrictions.~~ When fences or walls are located along side interior or street side property lines, the fence or wall shall be located along the interior side of the required landscape buffer strip. **Athletic Facilities....**

...

- e. **Commercial restrictions.** Where fences, walls, or hedges are required, they shall have a minimum height of six (6) feet. The height shall be measured ~~adjacent to the wall from the lowest grade on either side of the wall, fence or hedge~~ in accordance with the height measurement requirements for landscape barriers within incompatibility buffers of Sec. 7.3 (Landscape and buffering). Both sides of any wall or fence shall be properly finished with paint, stucco or other commonly accepted materials.
- f. **Dangerous materials.** Walls, fences or similar structures erected in or adjacent to any residential district shall not contain any substance such as broken glass, spikes, nails, barbed wire, or similar materials designed to inflict pain or injury to any person or animal.

...

4. **Fuel, gas, or chemical storage tanks.** Fuel, gas or chemical storage tanks accessory to a primary commercial or industrial use which stores fuel, gas or chemicals which is sold to the public (retail) shall be ~~reviewed by the Development Review Committee~~ setback a minimum of fifty (50) feet from any residential zoning district, or residential, civic/institutional use, unless otherwise approved by DRC. ~~To ensure compatibility with surrounding land uses, fencing and screening~~ A safety fence of up to a height of six (6) feet shall be required around the perimeter of the storage tanks. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four (4) feet at installation shall be provided around the perimeter of the storage tanks. All fencing and screening shall be required at the time the structure is approved. Fuel, gas or chemical storage tanks that are a primary use shall be subject to regulations of the district.

...

**7. Commercial recyclable material storage area....**

- g. **Review.** Recyclable material storage and collection areas ~~plans shall be shown on all final site plans and applicable building permits, reviewed by the Development Review Committee pursuant to Sec. 5.6. or administrative site plan amendment pursuant to Sec. 5.6.D.12 as applicable.~~ Information necessary to evaluate proposed plans for compliance with the standards of this section shall be shown on the site plan/permit.

**8. Accessory outdoor recreation....**

- b. **Screening.** If deemed necessary to ensure compatibility with surrounding uses the Development Review Committee ~~may~~ shall require a buffer consisting of a six (6) foot fence or masonry wall and landscape screen of at least seventy-five (75) percent opacity a continuous solid opaque hedge a minimum of four (4) feet in height at installation around an active or passive outdoor accessory recreational

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facility.

...

## 9. Swimming pools and spas....

### b. Setbacks for pools or spas.

- (1) **Setbacks for swimming pools and spas.** Setbacks shall be measured to the water's edge:

...

#### (2) Exceptions to setbacks.

- (a) **Single family design clusters.** Single family design clusters are a type of single family dwellings that were permitted under previous zoning codes. Although this type of housing has been excluded from the ULDC, pools and spas shall comply with the setbacks indicated on the certified site plan. If setbacks are not indicated on the certified site plan, setbacks for zero lot line homes shall be applied.

~~(a) Pools and spas shall comply with the setbacks indicated on the certified site plan.~~

~~(b) If setbacks are not indicated on the certified site plan, setbacks for zero lot line homes shall be applied.~~

#### ~~(3) Setback reductions.~~

- (b) **Single family and zero lot line homes.** Swimming pools or spas may be constructed with a three (3) foot rear or side interior setback in accordance with the open space setback reductions of Sec. 6.5. (Property Development Regulations)

~~(a) Criteria for setback reductions. The following conditions shall be complied with to qualify for reduced setbacks:~~

~~(i) Open space. The entire rear or side interior property line is adjacent to open space (lake, natural preserve, or golf course) a minimum of 50 feet in depth;~~

~~(ii) Construction. All construction and earthwork is completed within the owner's lot; and~~

~~(iii) Maintenance. All maintenance can be conducted from within the owner's lot.~~

~~(b) Single family and zero lot line homes. Swimming pools or spas may be constructed with a three (3) foot rear or side interior setback provided the criteria for setback reductions have been met.~~

- (c) **Multi-family and homeowners association recreation parcels less than one (1) acre.** Swimming pools or spas may be constructed with a minimum ten (10) foot rear or side interior setback for recreation parcels less than one (1) acre in size provided the criteria for setback reductions have been met. in accordance with the Open Space Setback Reductions of Sec. 6.5. (Property Development Regulations)

...

## 10. Screen enclosures....

### b. Setbacks for screen enclosures with screened roofs....

#### (2) Setback reductions Exceptions to setbacks.

~~(a) Criteria for setback reductions. The following conditions shall be complied with to qualify for reduced setbacks:~~

~~(i) Open space. The entire rear or side interior property line is adjacent to open space (lake, natural preserve or golf course) a minimum of 50 feet in depth;~~

~~(ii) Construction. All construction and earthwork is completed within the owner's lot;~~

~~(iii) Maintenance. All maintenance can be conducted from within the owner's lot; and~~

~~(iv) Overhang. Roof eaves or structures shall not overhang the property line or encroach any utility, drainage or lake maintenance easement.~~

- (b) (a) **Single family and zero lot line homes.** Screen roof enclosures may be constructed with a zero (0) foot rear or side interior setback in accordance with

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- the Open Space Setback Reductions of Sec. 6.5. (Property Development Regulations) provided the criteria for setback reductions have been met.
- (e) ~~(b)~~ **Multi-family and homeowners association** ~~r~~ **Recreation parcels less than one (1) acre.** Screen enclosures may be constructed with a five (5) foot rear or side interior setback for recreation parcels less than one (1) acre in size in accordance with the Open Space Setback Reductions of Sec. 6.5. (Property Development Regulations) provided the criteria for setback reductions have been met.
- (d) ~~(c)~~ **Planned developments..**
- (3) ~~Special setback provisions for t~~ **Townhouses...**
- (4) ~~Special setback provisions for s~~ **Single family design clusters.**
- (5) ~~Special provisions for z~~ **Zero lot line developments.**
- ...

SUBPART 43 Section 6.6., Zoning Districts, Supplementary Regulations, is amended to add language as follows:

B. Temporary structures....

2. Tents accessory to non-retail use....

- ...
- ~~g. Noise.~~ Sounds emanating from the temporary use shall not adversely affect surrounding residential lands.
- ...

D. **Zero lot line design standards.** *A ZLL development shall contain homes (dwelling units) which are constructed abutting a lot line and may contain side street homes pursuant to Sec. 6.6.D.2. ZLL and side street homes have lot sizes and building setbacks which are substantially smaller than a typical single family house. Special attention is required to ensure that the design of the lot and home provides privacy and an outdoor recreation area for the residents. ZLL and side street homes shall comply with the following design standards.*

1. **Zero lot line home.** *A ZLL home shall be designed abutting one (1), but not more than two (2) property lines and shall comply with the following standards.*

a. **Length of home abutting zero setback.** *A minimum length of the home, twenty (20) feet, shall be located abutting a lot line and shall have a zero foot setback from the lot line. Credit towards meeting this minimum length requirement shall be granted for an air conditioned living area, a garage or a storage space which is attached or otherwise a part of the home. Attached shall mean that the buildings share a continuous foundation, and a portion of the buildings abut a lot line with a zero foot setback. If the home abuts two (2) lot lines, the minimum length measurement shall be cumulative for the two (2) lot lines.*

b. **Prohibited openings.** *Openings such as doors or windows (including the second and third floors of the home), shall not be allowed in the portion of the home abutting the ZLL.*

c. **Maintenance and roof eave encroachment easement.** *The plat of a ZLL development shall indicate the establishment of a maintenance and roof eave encroachment easement along the ZLL.*

(1) **Easement width.** *This easement shall be of sufficient width, minimum two (2) feet, to allow for the maintenance of the ZLL wall and to accommodate the overhang of the roof eave and gutter.*

(2) **Roof eave encroachment.** *Roof eaves may project over the ZLL up to a maximum of eighteen (18) inches provided that gutters are installed to prevent water runoff onto the abutting property.*

(3) **Drainage easement.** *Eaves shall not project over drainage easements. No construction shall be permitted within an established easement, except as*

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allowed in the easement encroachment regulations of Sec. 6.5. (Property Development Regulations).

- (4) **Drainage swales.** Drainage swales which do not have underground pipes may overlap roof overhang/maintenance easements.

**d. Atrium.** An atrium may be constructed along the ZLL side of the home to provide light, air, and a means of emergency escape. A gate may be installed for emergency exit purposes provided the gate is: a minimum of thirty-six (36) inches in width to provide handicap access; a minimum of six (6) feet eight (8) inches in height; opaque (to maintain privacy); and, operable only from the inside with the door opening inward.

**e. Recess minimum.** The remaining portion of the home may be recessed from the ZLL by complying with the following standards.

- (1) **Distance.** The home shall be recessed a minimum distance of four (4) feet from the zero property line;

- (2) **Openings.** Openings (doors or windows) in the recessed portion of the home shall not be adjacent to the outdoor patio or pool of another home unless the outdoor area is completely screened from view from the adjacent home.

**f. Privacy wall or fence.** On every ZLL home created pursuant to this section, a minimum five (5) foot high solid privacy wall or privacy fence (or combination thereof) shall be constructed along the ZLL beginning at the rear of the home and extending a minimum distance of ten (10) feet toward the rear property line, or consistent with the approved rear setback approved by flex regulations. The privacy wall shall ensure a minimum private outdoor living space for each unit. A minimum five (5) foot high fence shall be provided along the rear property line of abutting ZLL units which have rear setbacks less than fifteen (15) feet.

- (1) **Screened roof enclosure.** A five (5) foot high solid privacy wall constructed of masonry or other material acceptable to the Building Division shall be provided when a screened roofed enclosure extends to the ZLL. The wall shall extend to the rear corner of the screened roofed enclosure.

- (2) **Solid roof enclosure.** An eight (8) foot high solid privacy wall constructed of masonry or other material acceptable to the Building Division shall be provided when a solid roofed screen enclosure extends to the ZLL. The screen enclosure shall be attached to the masonry walls. The wall shall extend to the rear corner of the solid roofed enclosure.

**g. Final subdivision plan.** The design and function of ZLL homes abutting lot lines on two (2) sides shall be graphically indicated on a final subdivision plan prior to review and certification by the DRC. The plan shall indicate typical home configurations including door and patio locations. In no event shall separations between units be less than ten (10) feet.

**h. Use of glass block along ZLL.** The use of glass block or similar translucent materials along the ZLL shall be subject to the following provisions.

- (1) **Building code.** The glass block shall comply with all building code requirements, including product type, fire rating, energy codes, and other construction standards (refer to approved product list in the Building Division). In addition, manufacturer's specifications regarding maximum area shall be adhered to.

- (2) **Translucency.** Only translucent glass block, which allows no shapes to be visible through the block, shall be used. When the zero lot line wall abuts a dedicated passive open space at least fifty (50) feet in width such as golf course, natural preserve, canal, pond, retention/detention pond, windows may be permitted on the zero lot line wall.

- (3) **Light transmission.** Only glass block with no more than sixty (60) percent exterior light transmission shall be used.

- (4) **Limitation.** Use of glass block shall be limited to new construction only, unless

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- 1 permission of the home owners association and neighboring owner is obtained.  
2 (5) **Surface area.** The use of glass block shall be limited to less than fifty (50)  
3 percent of the surface area of the wall abutting the ZLL.  
4 (6) **Affidavit.** The applicant (property owner or contractor) shall submit a notarized  
5 affidavit that verifies the degree of light transmission and the translucency of  
6 the glass block to be used.

7 **2. Side street home.** A side street home may only be located on a lot having a street or  
8 at least fifty (50) feet of open space abutting on two (2) consecutive sides. This home  
9 shall not abut a property line and shall comply with the minimum setback requirements  
10 of Table 6.5-3. It is important to note that a side street home is not required to follow the  
11 design standards of Sec. 6.5.D.1.

12 (a) **Privacy fence.** On every side street lot created pursuant to this section a minimum  
13 five (5) foot high wall or privacy fence (or combination thereof) shall be constructed  
14 along the side interior lot line. This requirement shall be waived if the adjacent  
15 home is required to install a privacy fence along the same lot line. At a minimum,  
16 this fence shall be constructed along the interior lot line beginning at a point parallel  
17 to the rear of the home and continuing a minimum distance of ten (10) feet toward  
18 the rear property line. (6.4.D.103.)

19 **SUBPART 44 Section 6.8.A., Zoning Districts, Planned Development District**  
20 **Regulations, is amended to add and delete language as follows:**

21 ...

22 **2. Applicability....**

23 **b. Previously approved planned development master or site plan.**  
24 Amendments to previously approved planned developments shall be provided  
25 on a master plan or site plan (for developments without a master plan). This  
26 master plan or site plan shall serve as the Preliminary Development Plan for  
27 the project.

28 (1) **Master plan site data requirements.** The master plan of a previously  
29 approved planned development shall be amended concurrent with the first  
30 DRC approval of a final site plan/final subdivision plan pursuant to this  
31 section. Each pod on the master plan shall be amended to provide the  
32 information as required for a Preliminary Development Plan in Sec.  
33 6.8.A.8.c.10., above, and the information required on the PZB application.

34 (2) **Site plan site data requirements.** The site plan of a previously approved  
35 planned development without a master plan shall be amended concurrent  
36 with the first DRC approval pursuant to this section to provide the information  
37 as required for a Preliminary Development Plan, Sec. 6.8.A.8.c.10., above,  
38 and the information required on the PZB application. (6.8.A.8.d.)

39 **b. c. Modifications to a previous planned development....**

40 **3. Residential density and Comprehensive Plan land uses categories....**

41 (1) **a. Computation of density....**

42 (2) **b. Minimum development density.** The minimum residential density required  
43 shall be determined by the Comprehensive Plan for a particular land use  
44 category designation. The Planning Director may waive the minimum  
45 density requirement by up to twenty-five percent (25%). (Table 6.8-1, Notes)

46 (3) **c. Standard development density.** Standard development density is defined as  
47 means the maximum density allowed without a planned development for a land  
48 use category.....

49 **d. Maximum density.** Actual maximum density granted to a Planned  
50 Development is based upon meeting performance goals and  
51 Comprehensive Plan objectives. Actual density granted by the BCC to a  
52 Planned Development may be less than the maximum density indicated.

53 Maximum density for a Traditional Neighborhood District (TND) is calculated by

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adding the maximum underlying density of a residential land use category to the maximum density bonus available, up to two (2) dwelling units per acre, granted through the rezoning process.

Residential density for a MXPD shall be determined by the underlying residential land use category of the commercial or industrial land use category indicated on the Comprehensive Plan Land Use Atlas. Land with a commercial or industrial land use designation without an underlying residential land use category shall be assigned a residential density by PZB based on the residential density of land surrounding the proposed district. (Table 6.8-1, Notes)

(4) ~~e. Planned development Density bonus....~~

(5) ~~(f) Affordable housing....~~

(1) The equitable distribution of affordable housing shall be pursued through the provisions of the Voluntary Density Bonus (VDB) Program pursuant to the Housing Element of the Palm Beach County Comprehensive Plan. (Table 6-8.1, Notes)

TABLE 6.8-1, NOTES: (This section moved from after Table 6.8-1 to before Table 6.8-1)

~~d. Planned development Density increases....~~

SUBPART 45 Section 6.8.A., Zoning Districts, Planned Development District Regulations, is amended to add and delete language as follows:

Sections 6.8.A.4. (Initiation of application) through 6.8.A.8.e. (Adequate facilities) have been deleted in their entirety and are addressed in Sec. 5.1.

...

4. f. Regulating Plan....

a. Modifications to a regulating plan and limited deviations from property development regulations. Modifications to the regulating plan for items other than for property development regulations as described above, shall require BCC review and approval. The DRC shall have the authority to permit limited administrative deviations, not exceeding ten (10) percent of the stated standard, from property development regulations which are not designated as flexible regulations in the applicable planned development district regulations. Prior to granting this deviation, the DRC shall establish compliance with the following criteria and requirements:

(1) **Consistency and intent.** The requested deviation shall not be in conflict with and shall further the purpose and intent of this section, the Preliminary Development Plan and the regulating plan;

(2) **Concurrency.** A revised Concurrency Reservation certificate shall be required if the deviation increases or decreases the overall demand for a service approved in the development's Certificate of Concurrency Reservation;

(3) **Graphics.** Include a detailed Final Site Plan\Final Subdivision Plan and other applicable graphics to identify the specific change or changes requested from the existing standards; and,

(4) **Justification.** Provide a written justification report explaining:

(a) The reasons for the deviations;

Why the amount of change requested is the minimum amount necessary to achieve the stated purpose; and,

(b) How the requested deviations comply with the intent of the regulation. (6.8.A.15.c.)

The regulating plan shall include the requirements listed below and the requirements of the individual District:

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- 1 (4) b. Flexible regulations....  
 2 (2) c. Transportation program....  
 3 ~~g.~~ d. Land use justification report....  
 4 ~~h.~~ e. Survey....  
 5 ~~i.~~ f. Conceptual site development plan....  
 6 ~~j.~~ g. Water site features....  
 7 ~~k.~~ Development phasing plan. A development schedule that includes the following  
 8 information:  
 9 ~~Order.~~ The delineation of the areas to be platted and developed according to  
 10 their order of construction.  
 11 ~~(b) Schedule.~~ A proposed schedule for the construction and improvement of  
 12 common open space, streets, utilities, and any other necessary improvements  
 13 for each development phase.  
 14 ~~h.~~ h. Preservation area in AGR PDD....  
 15 ~~m.~~ i. Other requirements....  
 16 ~~9.~~ 5. Determination of sufficiency....  
 17 ~~10.~~ 6. Review and certification by DRC....  
 18 ~~14.~~ 7. Public hearings....  
 19 Sections 6.8.A.12., 13., and 14. have been deleted in their entirety and addressed in Sec. 5.1.  
 20 Sections 6.8.A. 15., 16., 17., 18., and 19., have been renumbered to 8., 9., 10., 11., 12.  
 21 ~~20.~~ 13. Phasing controls and platting....  
 22 c. Development phasing plan. A development schedule that includes the following  
 23 information.  
 24 (1) Order. The delineation of the areas to be platted and developed according  
 25 to their order of construction.  
 26 (2) Schedule. A proposed schedule for the construction and improvement of  
 27 common open space, streets, utilities, and any other necessary  
 28 improvements for each development phase. (6.8.A.8.k.)  
 29 ~~24.~~ 14. Unified control....  
 30 ~~22.~~ 15. Use regulations....  
 31 ~~b.~~ a. Administrative categories....  
 32 ~~a.~~ (1) General land uses....  
 33 (4) (2) Special land uses....  
 34 (b) (3) Requested land uses....  
 35 (a) Location. Requested uses shall remain in the location approved by the BCC.  
 36 ~~b.~~ Administrative categories. All land uses shall be classified into one of the  
 37 following administrative categories established by this section and Table 6.8-2;  
 38 Planned Development District Use Regulations Schedule: general land uses;  
 39 special land uses; or requested land uses. These land uses are regulated  
 40 according to ~~pod or land use category as indicated on the Comprehensive Plan~~  
 41 ~~Land Use Atlas.~~  
 42 (1) Additional requested uses....  
 43 (c) Compatibility. These uses shall be compatible with the surrounding area.  
 44 ~~e.~~ b. Supplementary use standards....  
 45 ~~d.~~ c. Accessory uses....  
 46 ~~23.~~ 16. Design objectives....  
 47 b. Access and circulation....  
 48 (3) Minor streets within the development shall connect with minor streets in  
 49 adjacent developments in such a way so as to encourage through traffic,  
 50 subject to approval by the County Engineer.  
 51 ...

Section 6.8.A.23.f. has been relocated to Sec. 9.5.K.,g.-i. have been deleted.

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orientation and scale is amended to add and delete language as follows:

- i) **Size and shape.** All PUD residential pods over five (5) units per acre with a designation of medium density or high density shall be limited in size and shape to allow residents to walk along a continuous non-vehicular circulation system to one (1) or more of the following land uses within one thousand three hundred twenty (1,320) feet or less: recreational, civic (public or private) or commercial uses. This requirement shall be met by ninety five (95%) percent of the housing units within the PUD.

...

- b. **Regulating plan.** All initial Planned Development District rezoning and certain amendments to PUD Districts shall provide a Regulating plan in accordance with Sec. 6.8.A.8.f, Regulating Plan, including but not limited to the following.

- (1) **Land use mix....**  
(2) **Flexible regulations....**  
~~(3) **Transportation.** Transportation program;~~  
(3) **Street and pathway....**  
(4) **AGR-PUD....**

...

SUBPART 48 Section 6.8.B.5.c., Zoning Districts, PUD, Residential Planned Unit Development District, Administration is amended to add and delete language as follows:

- c. **Phasing controls and platting....**

- (1) **Commercial uses....**  
~~(2) **Recreation areas and parks.** See Article 17, Park and recreation standards for recreation phasing requirements.~~  
(2) **Plat requirements.** All land within the Planned Unit Development, including golf courses, shall be platted. A golf course shall be platted prior to Technical Compliance of the last residential plat.

...

SUBPART 49 Section 6.8.B.6., Zoning Districts, PUD, Residential Planned Unit Development District, Land uses is amended to add and delete language as follows:

6. Land uses....

...

- b. **Supplementary use standards.** The standards of Sec. 6.4.D (Supplementary Use Regulations) and the standards listed below shall apply within the PUD, unless specifically waived or modified by the terms of the development order for the PUD. Permits for real estate sales offices and sales models, gatehouses, entry features and utilities may be issued prior to recording a final plat but not before a final site plan/final subdivision plan is approved by the Development Review Committee.
- ~~(1) **Commercial pod.** Land uses within a commercial pod shall comply with the following standards:~~
- ~~(a) **Enclosed uses.** All uses, other than incidental storage of merchandise, shall be operated entirely within enclosed buildings, with the exceptions listed in Sec. 6.5.K (District Specific Regulations) for the CN, CLO and CC districts and a convenience store with gas sales.~~
- ~~(b) **Open storage.** No outdoor storage or placement of any material, refuse equipment or debris shall be permitted unless in an area designated on a Final Site Plan/Final Subdivision Plan which has been approved by PZB. Outdoor storage of merchandise shall be permitted only when incidental to the commercial use located on the premises, subject to the following standards:~~
- ~~(i) the storage area shall not be located in any of the required building~~

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**SUBPART 46 Section 6.8.A., Zoning Districts, Planned Development District Regulations, Table 6.8-2 is amended to add and delete language as follows:**

**TABLE 6.8-2  
PLANNED DEVELOPMENT DISTRICT  
USE REGULATIONS SCHEDULE**

Use Type	Planned Development Zoning District																				NOTE									
	PUD					TND					MXP			MUP				PIP				MHP	RVP	SWP						
	PODS					Use Zone					Land Use Category				Land Use - Category				Use Zone											
	R E C	R E S	C I V /P	C O M	A G R/P	R E S	C I V /P	S H O P	W O R K	S E C T	C L O	C L O	C H O	C H	R L O	C L O	C H O	C H	C R	I N D					I N S T	I N D/L	C O M	I N D/G		
Arena, auditorium or stadium				R					R				R					R	R				R						11	
Communication panel antennas, <u>building mounted commercial</u>	D	B	D	G		B	G	D	D	D	D	D	D	D	D	D	D	D	D	G			G	B	G	P				22.1
Convenience store with gas sales				R					R		R		R					R	R				R	G						27
Farm <del>tenant</del> <u>worker</u> quarters																														37
Grain <del>milling or processing</del>																				G				G						
Incinerator																												R		84
Medical <u>office</u> or dental clinic				G				G		G	G	G	G		G	R	G	G					G							60
Migrant farm labor quarters																														64
<del>Newsstand</del> or gift shop				G				G		G	G	G	G		G	G	G	G	G				G	G		G	G			66
Office, business or professional				G				G	G	G	G	R	G	G		G	R	G	G					G						68
Office of industrial nature										R													G	G						
Pottery shop, custom								G	G			G		G		G		G		G			G	G						
Sanitary landfill or incinerator																												R		84
Upholstery shop				G		G		G	G	G		G		G			G		G		G		G	G						

**Key to Use Regulations Schedule Land Use Abbreviations:**

AGR/P = Agricultural Reserve Preservation	COM = Commercial	RR = Rural Residential 10
CH = Commercial High	CR = Commercial Recreation	REC = Recreation
CHO = Commercial High Office	IND = Industrial	SECT = Sector
CIV/P = Privately Owned Civic	IND/G = General Industrial	RES = Residential
CL = Commercial Low	IND/L = Light Industrial	SHOP = Shopfront
CLO = Commercial Low Office	<u>INST</u> = <u>Institutional</u>	WORK = Workplace

**Key to Use Regulations Schedule:**

D = Subject to DRC    GP = General Permitted Land Use    R = Requested Land Use    S = Special Land Use

**SUBPART 47 Section 6.8.B.4.a.(6)(b)(i), Zoning Districts, PUD, Residential Planned Unit Development District, Application, Design criteria, Pedestrian**

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- ~~(ii) the storage area shall be completely screened from view of adjacent road rights of way and property lines; and;~~
- ~~(iii) the stored merchandise shall not protrude above the height of the screening walls, fences or buildings.~~
- ~~(c) Outdoor speakers. No outdoor loudspeaker systems shall be permitted within five hundred (500) feet of residential housing.~~
- ~~(d) Rooftop screening. All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses of an equal or lesser height. The screen shall be opaque and extend from the roof of the building to a minimum of six (6) inches above the height of the object intended for screening.~~

**(2) Residential pods....**

~~(a) Accessory uses and structures. Residential or commercial construction permits shall not be issued for a project until a Preliminary Development Plan or master plan has been approved by the Development Review Committee and a final plat for the entire development or phase of development has been recorded as a plat of record.~~

~~However, permits for real estate sales offices and sales models may be issued prior to recording a final plat but not before a final site plan/final subdivision plan is approved by the Development Review Committee.~~

...

**TABLE 6.8-6**

**PUD PROPERTY DEVELOPMENT REGULATIONS**

Housing Type or Pod	Minimum Lot Dimensions*			Maximum FAR	Maximum Building Coverage	Minimum Building* Setbacks or Separations			
	Size	Width and front-age	Depth			Front	Side*	Street	Rear*
...	...	...	...	...	...	...	...	...	...
Civic (Public or Private)	Public - 1 ac. Private - 21,500 sf	100'	200'	.35	.30	25'	C - 20' R - 40'	25'	C - 20' R - 40'
...	...	...	...	...	...	...	...	...	...

6.8.B.7.h has been relocated to 7.2.C.1.h.

...

**SUBPART 50 Section 7.2.B, Site Development Standards, Off-Street Parking and Loading, Applicability is amended to add and delete language as follows:**

**1. New buildings and uses....**

**2. Additions, and enlargements and changes of occupancy....**

**SUBPART 51 Section 7.2.C, Site Development Standards, Off-Street Parking and Loading, Off-Street Parking is amended to add and delete language as follows:**

**1. Computing parking standards.**

...

**d. ~~Employees or~~ Occupants.** When the calculation of required parking spaces is based on the number of occupants ~~employees or persons~~, the calculation shall be

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based on the maximum number of employees or persons on duty or legally residing on the premises at any one (1) time.

...

~~h. **Delayed computations.** The determination of the number of required off-street parking spaces may be delayed until the submission of an application for development permit for a building permit in the following instances:~~

~~(1) Where the formula for calculating the number of parking spaces consists of two (2) or more different rates, and there is uncertainty about how some of the floor or lot area shall be used; or~~

~~(2) When it is unknown which portions of a structure are to be deleted from gross floor area to calculate gross leasable floor area.~~

h. **Planned Development District Commercial parking reduction parking reduction bonus.** *Commercial pods with a total non-residential gross floor area exceeding one hundred fifty thousand (150,000) ~~eighty thousand (80,000)~~ square feet may reduce the parking calculation ratio rate for general and special permit uses for the amount of non-residential gross floor area above one hundred fifty thousand (150,000) ~~eighty thousand (80,000)~~ square feet and equal to or less than two hundred thousand (200,000) ~~one hundred twenty-five thousand (125,000)~~ square feet. This parking calculation rate reduction is limited to non-residential building area and shall be applied only to gross floor area. The gross floor area within the range identified above may be calculated at a reduced ratio of one (1) space per five hundred (500) square feet of gross floor area. (6.8.B.7.h(3))*

i. **Landscaping.** The landscape requirements for off-street parking and interior vehicular use areas shall be calculated in accordance with Sec. 7.3. (Landscape and Buffering).

## 2. Location of required parking...

a. **Distance from building or use.** Unless otherwise provided in this section, ~~no~~ on-site parking spaces shall not be located more than six hundred (600) linear feet from the nearest building or use it is intended to serve. This standard shall not apply to parking spaces provided for auditoriums, stadiums, assembly halls, gymnasiums, and other places of assembly, nor shall it apply to hospitals, large-scale retail, wholesale, and consumer service uses of over five hundred thousand (500,000) square feet or industrial, wholesaling or manufacturing establishments.

b. **Buffers and rights-of-way.** ~~There shall be no parking or storing of vehicles in the landscape buffer or the existing or ultimate R-O-W of an abutting street is prohibited.~~

c. **Sidewalk access for rear parking.** ~~There shall be no parking of automobiles at the rear of a structure unless~~ A minimum of ten (10) ~~Twenty (20)~~ percent of the required parking spaces shall be located at the rear or side of each building it is intended to serve. (6.8.B.7.h.(3)(c)) A public pedestrian walk shall connect the parking areas to a store entrance. it to the front of the structure or there exists shall be an entrance or store in the rear. Such pedestrian access way shall be a minimum of four (4) feet in width, clearly marked, well lighted and unobstructed.

...

3. **Use of required off-street parking areas.** Off-street parking spaces shall be provided for the use of residents, customers, patrons and employees. Required parking spaces shall specifically not be used for the storage, sale or display of goods or materials or for the sale, repair, or servicing of vehicles. All vehicles parked within off-street parking areas shall ~~must~~ be registered and capable of moving under their own power. ~~Required parking areas shall not be used by delivery vehicles.~~ Required off-street parking spaces shall be free from building encroachments, except that a portion of the required parking area may be used for the following purposes:

---

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- ...
- b. **Recyclable materials collection bins.** Required off-street parking areas may be occupied by recyclable materials collection bins that have been approved as a special use in the CC or CC districts or a PUD commercial pod. The bin shall retain its mobility and shall not occupy more than five one (51) percent of the total on-site parking spaces. The bin and adjacent area shall be maintained in good appearance, free from trash.

...

6. **Handicapped parking.** The provision of handicapped parking spaces and passenger loading zones shall be governed by Secs. 316.1955, 316.1956, and 553.48, Fla. Stat. These sections shall govern the signage, identification and reservation of spaces for the handicapped. ~~All required signs shall include the language, "\$250 fine for violators." All handicapped parking spaces shall be paved. The handicapped parking regulations required by Florida Statutes are available at the Publications Office of the PZB Department. A portion of the minimum number of required off-street parking spaces may be used to satisfy the handicapped parking space standards.~~ The minimum number of handicapped parking spaces shall comply with the following table:

...

8. **Shared parking....**

a. **Application.** ~~In addition to the application for development permit for Site Plan/Plat, the applicant shall submit that additional application information for shared parking required by the Zoning Director and made available to the public. A shared parking study shall be submitted in a form established by the Zoning Director and made available to the public.~~

b. **Location....**

c. **Shared parking study....**

- ...
- (5) provide a plan to convert the open reserved space ~~reserved pursuant to Sec. 7.2.B.3., 7.2.C.8.d (Reservation of extra space);~~ to parking area; and

...

d. ~~**Reservation of extra space.** Enough land area shall be reserved on the site of a shared parking lot to provide for the combined total parking standards of each use, or an alternate plan showing adequate area to accommodate any needed extra parking shall be provided. A reserved area shall not be used for on-site retention of storm-water runoff nor shall it be used to satisfy the landscaping and buffering standards of this section. Preservation areas designated and protected by any government shall not be used to satisfy the reserve standard. The reserved area shall be landscaped and maintained to present an orderly appearance.~~

d. **Reserved space.** The applicant shall account for one hundred (100) percent of the reduction granted through one of the following alternatives: reserved open space; a future parking garage; future rooftop parking; off-site parking; limitation of uses to adhere to parking regulations; or, shared parking with an adjacent property owner.

...

11. **Valet parking....**

---

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- b. **Location of reserved spaces.** Off-street parking spaces reserved for valet parking may be located anywhere on-site, except that handicapped parking spaces shall be the spaces located closest to the nearest accessible entrance of the building that the parking spaces are intended to serve.

## 12. Parking area design and construction standards.

### a. Dimensions and geometrics...

...

#### (2) Nonresidential...

(a) **General.** The term "general" applies to parking spaces designated to serve all commercial uses, ~~except retail uses~~, and also residential uses with shared parking lots. Spaces reserved for use by disabled persons shall be governed by the rows labeled "handicapped";

~~(b) **Retail uses.** All retail uses shall provide parking spaces that have minimum widths of nine and one-half (9.5) feet. Other required dimensions of the space shall be governed by Table 7.2-3;~~

~~(c)(b) **Handicapped parking...**~~

~~(d)(c) **Queuing distance...**~~

...

### b. Construction and design of parking area....

~~(5) **Lighting.** If a vehicular use area, or a specialized vehicular use area is to be open for use after dark, it shall be lighted. Lighting shall be arranged and designed so that no source of light is directed toward any adjoining or nearby land used or classified for residential use. Lighting shall be designed to shield public streets and all other adjacent lands from direct or distracting glare, or hazardous interference of any kind. Vehicular use areas shall not be lighted at any other time than the hours of operation of the use that the parking is intended to serve, except for necessary security lighting. Parking lot lighting shall comply with the outdoor lighting standards of Sec. 7.8.B (Outdoor lighting standards).~~

~~(6)(5) **Marking.** Except for parallel parking spaces (see Figure 7.2-2), parking lots containing spaces for three (3) or more vehicles shall delineate each space by single or double stripes on each side of the space (see Figure 7.2-3). All stripes shall be painted in white paint except for handicapped spaces which shall have blue stripes. The width of the painted stripe shall be four (4) inches. Double striping separation from inside edge of stripe to inside edge of stripe shall be no less than eight (8) inches and no more than sixteen (16) inches. The effective width of the double stripes shall range from sixteen (16) inches to twenty-four (24) inches, measured from outside edge of stripe to outside edge of stripe. Marking of parallel parking spaces shall be as shown in either of the options in Figure 7.2-2.~~

~~(5)(7)(6) **Signs....**~~

~~(6)(8)(7) **Drainage....**~~

~~(7)(9)(8) **Landscaping....**~~

~~(10)(9) **Preservation....**~~

...

## 17. Parking of vehicles and boats in residential districts....

### a. General prohibition.

(1) **On-street.** No person shall park, store, or keep a commercial vehicle, recreational vehicle, sports vehicle such as dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe or paddle boat, boat or trailer, on any public street, or other thoroughfare or any ~~right-of-way~~ R-O-W within any a residential district for a period exceeding ~~one two~~ (42) hours in any twenty-four (24) hour period, each such period commencing at the time of first stopping or parking.

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(2) **Off-street.** It shall be unlawful for any owner of land in any residential district to park on, cause to be parked on, or allow to be parked on residentially zoned land any unlicensed or unregistered vehicle, or a commercial vehicle, sports vehicle, recreational vehicle, boat or trailer for a period exceeding one two (12) hours in any twenty-four (24) hour period, each such period commencing at the time of first stopping or parking, except that one vehicle which is unregistered or unlicensed may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots.

**b. Exemptions.**

(1) **Commercial vehicle....**

(2) **Construction vehicles.** The prohibitions set out above in Sec. 7.2.C.17.a (~~General prohibition~~) shall not apply to the temporary parking of such vehicles on private land in residential districts where construction is underway, for which a current and valid building permit has been issued by the Building Director and the building permit is displayed on the premises.

(3) **Delivery and service vehicles.** The one two (12) hour parking restriction set out above in Sec. 7.2.C.17.a (~~General prohibition~~) shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that such time in excess of one two (12) hours is actually in the course of business deliveries or servicing.

(4) **Emergency repairs.** The restrictions set out above in Sec. 7.2.C.17.a (~~General prohibition~~) shall not apply to a situation where a large motor vehicle becomes disabled and, as a result of such emergency, is required to be parked within a residential district for longer than one two (12) hours. Any large motor vehicle shall be removed from the residential district within twenty-four (24) hours, regardless of the nature of the emergency.

(5) **Outdoor storage.** One (1) RV, plus sports vehicles, or boat and with accompanying trailers may be parked outdoors in a residential district provided that:

(a) The vehicles are:

(a)i) the vehicles are owned and used by a resident of the premises;

~~— (b)ii) the vehicles are~~ not parked in a required front yard or other area between the structure and the street except for the purpose of loading or unloading during a period not to exceed one two (12) hours in any twenty-four (24) hour period;

~~— (c)iii) the vehicles are~~ located in the side or rear yard and are screened from surrounding property with a wall, fence or hedge at least six (6) feet in height;

~~— (d)iv) The boat, boat trailer, sports vehicle or recreational vehicle is~~ not used for living, sleeping or housekeeping purposes; and

(e)v) The boat, boat trailer or recreational vehicle is operative and is currently registered or licensed, as required by state or federal law.

~~— (f) (b)~~ Vehicles on navigable waterways shall be exempt from the outdoor storage standards of this subsection; and

g- (c) One vehicle, which does not meet the requirements of this subsection 17(b) may be approved by special permit upon demonstration that:

...

**SUBPART 52 Section 7.3., Site Development Standards, Landscape and Buffering is amended to add and delete language as follows:**

**SEC. 7.3 LANDSCAPEING AND BUFFERING.**

...

**C. Exemptions....**

---

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5. development that has received or submitted for a development order, a certified site plan or building permit prior to January 1, 1998, and which has obtained a valid approval prior to July 1, 1998, except as provided in Article 1. ~~These~~ All developments, however, shall not be exempt from the maintenance, pruning and replacement requirements; or

...

D. **Types of plans.** All landscaping required by this section shall require submittal and approval of the following, as applicable:

~~1. **Site plan for conceptual review.** The location of required landscape areas shall be delineated on the site plan submitted to DRC. Landscape areas shown on the site plan shall not be used to replace the required landscape plan.~~

**1.2. Landscape plan.** Prior to the issuance of a building permit or paving permit, a landscape plan which has either been prepared by and bears the seal of a ~~Landscape Architect, authorized to prepare landscape plans by Chapter 481, Fla. Stat., Part II, or by an architect or engineer as otherwise authorized by Chapter 481, Fla. Stat.,~~ shall be submitted to the Building Division in a form established by the Zoning Director and made available to the public form and manner acceptable to PZ&B.

**32. Planting plan.** A planting plan, which does not require a ~~Landscape Architect's professional~~ seal, shall be required for each individual lot for all single family, two-unit townhouse, or two-unit multi-family residences. A planting plan shall, at a minimum, consist of a plan indicating the number, location and species of required trees. Prior to the issuance of a building permit or paving permit for a single-family or two-unit townhouse, or two-unit multifamily residence, the planting plan shall be approved by PZ&B ~~per Sec. 7.3.~~

**43. Alternative landscape plan.** ~~In lieu of a landscape plan, a~~ An applicant may demonstrate the intent of this section can be more effectively met, in whole or in part, through an alternative landscape plan. The alternative landscape plan shall be prepared in accordance with the standards set forth by the Zoning Director and be reviewed and approved by the DRC or BofA, then submitted in accordance with Sec. 7.3.D.2. *In reviewing proposed alternative landscape plans, the DRC or BofA shall give favorable consideration to landscape design which preserves and incorporates existing native vegetation in excess of minimum standards or demonstrates innovative use of plant materials and improves site design.* **(7.3.D.3)** An alternative landscape plan approved by BofA in conjunction with a variance shall not also require approval by the DRC. If approved, an alternative landscape plan shall replace be incorporated into a landscape plan meeting the express terms of this section. The alternative landscape plan shall delineate and identify the deviations requested from the provisions of this section. ~~In reviewing proposed alternative landscape plans, the DRC shall give favorable consideration to landscape design which preserves and incorporates existing native vegetation in excess of minimum standards or demonstrates innovative use of plant materials and improves site design.~~

E. **Standards.** The following standards shall be considered the minimum required for all trees, and landscape materials.

**1. General.** ~~Landscape design which uses t~~ Trees and plants pursuant to this section shall:

a. have non-invasive growth habits; (7.3.E.1.e)

b. be commercially available; (7.3.E.1.e)

c. be planted in soil and conditions which are appropriate for their growth habits;

d. be appropriate for the ecological setting in which they are to be planted;

e. reference and be compatible with any existing native plants; ~~have non-invasive growth habits, encourage low maintenance and high quality landscape design, be~~

---

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- commercially available, and (7.3.E.1.f)
- f. be otherwise consistent with the purpose and intent of this section. Existing native plants shall be used as a reference to the species that should be installed on a site.
- g. be low maintenance.

....

- 3. Water conservation.** All landscape plans shall be required to demonstrate compliance with the water conservation standards by obtaining a minimum score of forty-five (45) points from the water conservation point scale identified in Table 7.3-6~~1~~. (7.3.I)

TABLE 7.3-1

WATER CONSERVATION POINT SCALE (TABLE 7.3-6)

...

- 4. Tree and vegetation protection and preservation.** Trees and vegetation to be preserved shall be protected from damage during the construction process, in accordance with the standards of Sec. 9.5 (Vegetation Protection and Preservation), and the current edition of the "Tree Protection Manual for Builders and Developers," published by the Division of Forestry of the State of Florida Department of Agriculture and Consumer Services. (7.3.E.4.d)

- a. **Special landscape and vegetation protection standards.** (7.3.J)

(1) **Lake Worth and Loxahatchee River buffers.** A fifty (50) foot native vegetation buffer shall be preserved along Lake Worth and the Loxahatchee River.

(2) **Vegetation Preservation.** All development shall comply with Sec. 9.5 (Vegetation Preservation and Protection).

(3) **Wetlands.** A buffer zone of native upland vegetation shall be planted pursuant to Sec. 9.4 (Wetlands Protection).

(4) **Surface water management tracts.** Functional vegetated littoral zones shall be established pursuant to Sec. 7.6 (Excavation).

- 5. Native and drought-tolerant trees.** A minimum of fifty (50) percent of all trees used to satisfy the standards of this section shall be classified as native. In addition, fifty (50) percent shall be classified as drought-tolerant by the most recent edition of the South Florida Water Management District's "Xeriscape Plant Guide". (7.3.E.4)

- 6. Tree species mix.** When more than fifteen (15) trees are required to be planted to meet the standards of this section, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted is indicated in Table 7.3-4~~2~~. Species shall be planted in proportion to the required mix. This species mix standard shall not apply to areas of vegetation required to be preserved. (7.3.E.7)

TABLE 7.3-2

TREE SPECIES MIX (TABLE 7.3-1)

...

- 7. Tree credit and replacement.** A preserved native upland tree or drought-tolerant tree on-site meeting the standards specified in this section may be substituted for trees required by this code or a condition of approval, subject to the following. (7.3.E.14)

- a. **Tree survey.** ~~When credit is sought for existing trees on a site, a tree survey must be prepared in a form and manner acceptable to E.R.M.~~ Credit shall be granted for preservation of existing native or drought-tolerant trees when a landscape plan is accompanied by a tree survey: prepared in a form and manner acceptable to E.R.M.

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- b. **Tree credit formula.** Existing native trees shall be credited according to the formula in Table 7.3-23. Fractional measurements shall be attributed to the lower category.
- c. **Trees excluded from credit.** ~~No~~ Tree credits shall not be permitted for trees which are:
- (1) located in required preservation areas;
  - (2) not properly protected from damage during the construction process, as provided in Sec. 9.5 (Vegetation Preservation and Protection);
  - (3) classified as prohibited or invasive non-native species as defined in Sec. 9.5 (Vegetation Preservation and Protection);
  - (4) dead, dying, diseased, or infested with harmful insects; or
  - (5) located within recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial, or industrial use.
- d. **Tree and vegetation replacement.** Required or preserved vegetation which dies shall be replaced with equivalent vegetation. Preserved trees for which credit was awarded and which ~~subsequently die, shall be replaced by the requisite number of living trees according to the standards established in this section.~~ (7.3.H.4) Trees designated to be preserved on a landscape plan which are removed or damaged, shall be replaced in accordance with the tree replacement credit standards of Table 7.3-23. Landscape trees which were planted or preserved to meet the minimum landscape code requirements may be considered for removal removed provided a Landscape Tree Removal and Replacement Application is applied for and approved. (7.3.H.2) Replacement trees shall be native and installed per Sec. 7.3.E.6 and shall be of the same species as those removed or be native in accordance with this section. (7.3.E.14)

**TABLE 7.3-3  
TREE CREDIT AND REPLACEMENT<sup>1</sup> (TABLE 7.3-2)**

...

**Notes for Table 7.3-3:**

- <sup>1</sup> **Slash pines.** Preserved slash pines may count as one (1) required tree when a minimum of sixteen (16) feet in height. **(7.3.E.6)**

...

- e. ~~**Alternative use of native vegetation**~~ **Existing native trees and vegetation.** Existing native trees and vegetation may be deemed to satisfy the landscape ~~buffer standards requirements of this section, in total or in part upon DRG approval.~~ Existing native trees and vegetation from areas of the site to be developed may be relocated to the buffer area. (7.3.E.2.e.(4)) In determining whether native trees and vegetation satisfies the buffer standards requirements of this section, the following shall be considered:
- (1) the effectiveness of the visual screening ~~which will be provided, if adequate screening is provided then no additional trees and vegetation will be required;~~ **(7.3.E.2.e.(3))**
  - (2) the quality of the trees and vegetation being preserved.
  - (3) ~~if adequate screening is provided then no additional trees will be required;~~ **and**
  - (4) ~~native vegetation from areas of the site to be developed may be relocated to the buffer area~~

**3. Artificial plants. (Relocated to 7.3.E.10.)**

**4. Trees. (Relocated to 7.3.F.1.a.)**

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1 **FIGURE 7.3-1**  
2 **Perimeter Tree Measurement Standards:** *(Relocated to Figure 7.3-1)*

3 **FIGURE 7.3-2**  
4 **Interior Tree Measurement Standards:** *(Relocated to FIGURE 7.3-4)*

- 5 ~~a. Interior Plantings:~~ *(Relocated to 7.3.G.1.a.)*  
6 ~~b. Safe Sight Triangles:~~ *(Relocated to 7.3.E.13.)*  
7 ~~c. Utilities:~~ *(Relocated to 7.3.E.12.a.)*  
8 ~~d. Tree protection:~~ *(Relocated to 7.3.E.4.)*  
9 ~~5. Palms:~~ *(Relocated to 7.3.F.1.b.)*

10 **FIGURE 7.3-3**  
11 **Palm Measurement Standards:** *(Relocated to FIGURE 7.3-2)*

- 12 ~~a. Perimeter Plantings:~~ *(Relocated to 7.3.F.1.b.)*  
13 ~~(1) Exception:~~ *(Relocated to 7.3.F.1.b(1))*  
14 ~~b. Interior Plantings:~~ *(Relocated to 7.3.F.1.b.)*  
15 ~~6. Slash pines:~~ *(Relocated to 7.3.E.7.c.)*  
16 ~~a. Perimeter planting:~~ *(Relocated to 7.3.F.1.c.)*  
17 ~~7. Tree species mix:~~ *(Relocated to 7.3.E.6.)*

18 **TABLE 7.3-4**  
19 **TREE SPECIES MIX** *(Relocated to TABLE 7.3-2)*  
20 ...

21 **8. Hedges and shrubs....**

- 22 ~~a. Exception:~~ *(Relocated to 7.3.E.13.a.)*

23 **9. Ground treatment.** The ground area within required landscaped areas which is not  
24 dedicated to trees, or the preservation of existing or new vegetation, ~~or landscape~~  
25 barriers shall receive appropriate landscape treatment such as grass, groundcover,  
26 *mulch or shrubs* and present a finished appearance upon planting. **(7.3.E.9)** All  
27 interior landscaped areas not dedicated to the preservation of existing vegetation  
28 shall be landscaped with grass, ground cover, mulch or shrubs. Sand, gravel,  
29 shellrock, or pavement shall not be considered appropriate landscape treatment. The  
30 following standards shall apply to the design of ground treatment.

- 31 **a. Ground cover.** Live material used as ground cover shall provide a minimum of fifty  
32 (50) percent coverage immediately upon planting and one hundred (100) percent  
33 coverage within one (1) year ~~to coincide with reinspection after planting.~~  
34 **b. Mulch.** Mulch shall be installed and maintained at a minimum depth of three (3)  
35 inches at all times, in all planted areas not containing ground cover. All mulch  
36 material shall be seed and weed free to prevent tree sprouting and regrowth.  
37 ...

38 **10. Prohibited plant species and artificial plants.** ~~The installation of any plant~~  
39 ~~species which is classified in Section 9.5 as a "prohibited species" is prohibited.~~  
40 Each landscape plan, planting plan or landscape betterment plan required or  
41 permitted shall include a program to eradicate and prevent the reestablishment of  
42 prohibited plant species. *No artificial plants or vegetation shall be used to meet*  
43 *any standards of this section. (7.3.E.3)* The following constitutes the prohibited  
44 plant species, as per Sec. 9.5 (Vegetation Preservation and Protection). The list  
45 below may be updated by resolution by the BCC Board of County Commissioners.  
46 The installation of any plant species from the following list is prohibited:  
47 ...

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11. **Controlled plant species.** ~~Controlled plant species shall not exceed a maximum of ten (10%) percent of the total number of required trees. These following species may be planted or maintained under controlled conditions provided that they are installed or cultivated according to the following standards.~~

a. **Black Olives.** *Black olives shall not be installed within fifteen (15) feet of any parking area. (7.3.E.4.a.)*

The following controlled plant species shall not exceed a maximum of ten (10) percent of the total number of required trees: (7.3.E.11)

...

a.b. **Ficus species.** *Ficus species may be:*

(1) *be planted as individual trees provided that they are no closer than thirty (30) feet from any structure or utility; or* ~~Ficus species planted within thirty (30) feet of any structure or utility shall be permitted only if they are:~~

(42) *contained in a planter approved by the Building Zoning Division; or*

(23) *maintained as a hedge which does not exceed twelve (12) feet in height; or*

(34) *maintained in accordance with the residential restrictions for hedges as per Sec. 6.6.A.2.C.(4) (Supplementary Regulations) for residential uses.*

b.c. **Grevillea robusta (silk oak), and Dalbergia sisoo (rosewood)....**

c.d. **Invasive non-native plant species....**

~~12. **Earth berms.** (Relocated to 7.3.E.14)~~

12. **Landscape in easements.** *Landscaping may be permitted in easements with the written permission of the easement holder, submitted to and approved by the Palm Beach County Attorney. Easements may overlap a landscape buffer a maximum of five (5) feet provided that there remains a minimum of five (5) clear feet of the required buffer remains free and clear of any overlap for plant material installation for planting, or if a wall with a continuous footer is used, a minimum of ten (10) clear feet for planting. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this section, Art. 8. (Subdivision, Platting, and Required Improvements), and any other County code. (7.3.E.13)*

a. **Utilities.** *Trees that are to be planted within any easement with overhead utilities shall be consistent with FP&L's suggested tree list "Plant the Right Tree in the Right Place," and any other list approved by the Zoning Director, taking into consideration the mature height and spread of the species beneath or adjacent to existing overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature canopy is a minimum of ten (10) feet from overhead lines. (7.3.E.4.c)*

b. **Detention/retention areas, swales, drainage easements, and lake maintenance easements.** *Detention/retention areas, swales, drainage easements, and lake maintenance easements shall not be located in required landscape buffers. (7.3.H.6.c)*

13. **Safe sight distance triangles.** *Safe sight distance triangles shall be provided in accordance with the County Design Manual, published by the Department of Engineering, to restrict placement of visual obstructions. (7.3.H.7.a)*

a. **Landscape limitations. (7.3.H.7.c)**

(1) *Safe sight distance triangle areas shall be maintained to provide unobstructed visibility at a level between thirty (30) inches and eight (8) feet above the crown of the adjacent roadway and in a way that does not create a traffic hazard. (7.3.H.7.c.(3))*

(2) *Vegetation located adjacent to and within safe sight distance triangle areas shall be trimmed so that limbs or foliage do not extend into the required visibility area.*

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~~(3) Within safe sight distance triangle areas, vegetation shall not be planted, nor shall improvements or devices such as bus benches, shelters or newspaper vending machines be installed in a way that creates a traffic hazard.~~

**(3)** Landscaping on state roads shall be installed in accordance with the roadside clear zone provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, as amended.

**(4)** All landscaping within the safe sight distance triangle area shall be planted and perpetually maintained by the property owner, in accordance with this section.

**(5)** Trees located in required safe sight triangles shall have, at installation, a minimum of eight (8) feet of clear trunk. **(7.3.E.4.b)**

**(6)** Dwarf hedges and shrubs ~~a minimum of eighteen (18) inches in height, may be installed in parking lot terminal islands, or safe sight triangles where clear visibility is required for vehicular circulation. These hedges and shrubs at a~~ minimum of eighteen (18) inches in height and shall be maintained at a maximum of thirty (30) inches in height. **(7.3.E.8.a)**

**b. Landscape area around signs.** A three (3) foot wide planting area shall be required around the base of ~~a sign~~ all freestanding point of purchase, directional or entry wall signs. One shrub for each ten (10) square feet of sign surface area shall be installed within the required three (3) foot planting area at the base of the sign. Monument signs may be surrounded by ground cover instead of shrubs. Landscaping and trees which interfere with signage may be relocated to the rear of the sign planting area. **(7.3.H.6.b)**

**14. Earth berms.** Earth berms may be used as non-living landscape barriers only when installed in conjunction with plant materials. The slope of a berm shall not exceed three-to-one (3:1). In areas where existing vegetation has been preserved, berms shall be located and constructed so that they do not negatively impact preserved trees and vegetation. **(7.3.E.12)** ~~Hedges used in combination with non living landscape barriers earth berms to meet the six (6) foot screen requirements shall be installed at the height necessary to provide the total six (6) foot screen within (2) years of planting at time of planting.~~ **(7.3.E.8)**

~~**13. Landscape in easements.** (Relocated to 7.3.E.12.)~~

~~**14. Tree credit and replacement.** (Relocated to 7.3.E.7)~~

#### TABLE 7.3-2

#### TREE CREDIT AND REPLACEMENT (Relocated to TABLE 7.3-3)

...

**F. Perimeter landscape requirements.** Perimeter landscape buffers shall be installed and maintained in accordance with the following standards. Required landscape buffers for within or around residential pods of Planned Development Districts shall be platted as separate tracts of land. *In calculating the number of trees to be planted, fractional distances shall be rounded down. The width of access ways which traverse required perimeter landscape buffers strips shall be included in the calculation of linear dimension.* **(7.3.F.3.d)**

##### **1. Trees and Shrubs.**

**a. Canopy trees.** At the time of installation, perimeter canopy trees shall be a minimum of twelve (12) feet in height, with a minimum six (6) foot spread, and a minimum diameter of two and one-half (2 ½) inches measured at a point which is at least four and one-half (4 ½) feet above existing grade level. **(7.3.E.4)** Canopy trees shall be spaced a maximum of thirty (30) feet on center. **(7.3.F.2.a)**

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**FIGURE 7.3-1**  
**Canopy Tree Measurement Standards. (Figure 7.3-1)**

- ...
- b. Palms.** Palms shall have a minimum of eight (8) feet of clear trunk or twelve (12) feet in overall height at the time of installation. Queen palms shall also have a minimum caliper size of six (6) inches. **(7.3.E.5)** Palms planted in perimeter landscape buffers shall be installed in groups of no less than three (3). Each group of three (3) palms in a landscape buffer may be counted as one (1) required canopy tree. In the case of species of palms which characteristically grow in clumps, each clump shall be counted as one (1) tree. **(7.3.E.5.a.)**
- (1) Exception.** In R-O-W: buffers only, Royal or Phoenix palms, excluding Phoenix roebellini, may be counted as one (1) required canopy tree. These palms shall:
- (a)** not exceed a maximum of twenty five (25%) percent of all trees required in the buffer;
  - (b)** be spaced a maximum of twenty (20) feet on center; and
  - (c)** be a minimum of either six (6) feet of gray wood for Royal palms or eight (8) feet clear trunk for Phoenix palms. **(7.3.E.5.a)**

**FIGURE 7.3-2**  
**Palm Measurement Standards. (FIGURE 7.3-2)**

- ...
- c. Slash pines.** Slash pines planted in perimeter buffers shall be installed in groups of no less than three (3). Each group of slash pines shall average a minimum of ten (10) feet in height and may be counted as one (1) required canopy tree. **(7.3.E.6.a)**
- d. Hedges and shrubs.** At the time of installation, required hedges and shrubs shall be a minimum of twenty-four (24) inches in height, ~~or eighteen (18) inches in height for native species, and~~ spaced at a maximum of twenty-four (24) inches on center. Required hedges shall form a ~~solid continuous~~ solid opaque visual screen of at least ~~three (3)~~ thirty-six (36) inches in height within two (2) years of planting. If applicable, hedges shall conform to the residential restrictions of Sec. 6.6 (Supplementary Regulations). Shrubs may be substituted with ornamental grasses ~~may be used to satisfy the requirements of this section.~~ **(7.3.E.8)**
- 42. Rights-of-way buffer.** The width of the landscape buffer along streets, ~~access easements, thoroughfares, or other means of vehicular access shall depend on the width of the street's ultimate right-of-way R-O-W as referenced by Table 7.3-34~~ The width of the ultimate ~~right-of-way R-O-W~~ shall be determined by reference to the Traffic Circulation Plan Map of the Palm Beach County Comprehensive Plan, or as determined by the County Engineer. ~~When used in right-of-way buffers, the required wall shall be installed a minimum of ten (10) feet from the ultimate R-O-W as designated on the County Thoroughfare Map, unless waived by the County Engineer. R-right-of-way O-W widths for non-thoroughfare plan street classifications shall be determined by reference to Chart 8.22:-2: (Access and Circulation Systems). R:-O:-W: refers to access easements, marginal access roads, local streets, or collector arterial and streets, etc.~~

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**TABLE 7.3-34  
WIDTH OF R-O-W BUFFER STRIPS**

Width of Ultimate Right-of-Way	Minimum Width of Landscape R-O-W Buffer Strip
0-99 Feet	15 Feet for multifamily and non-residential
100+ Feet	20 Feet

**Note for Table 7.3-4:** Single family detached homes in residential subdivision shall not require R-O-W buffer along internal streets.

**a. ~~Canopy trees and shrubs and palm clustering.~~ (Relocated to 7.3.F.1.a. and d.)**

~~Canopy trees and palms may be clustered in perimeter right-of-way R-O-W buffers for non-residential development only, if the clusters:~~

- ~~(1) are spaced a maximum of no more than eighty (80) sixty (60) feet apart between clusters;~~
- ~~(2) consist of trees of varied height, which when averaged, equal the minimum tree height requirements of Section 7.3.F.1.a,b, and c; and~~
- ~~(3) are located on property containing a minimum of two hundred fifty (250) three hundred (300) linear feet along the right-of-way R-O-W. (7.3.F.3.d.(1))~~

...

**c. ~~R-O-W b~~Buffer width reduction.** Where properties are separated from the R-O-W by a canal, easement, lake, or passive open-space fifty (50) feet in width or greater, the buffer width may be reduced by fifty (50) percent of the required width provided that there remains a minimum of five (5) clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten (10) clear feet for planting. The quantity of required plant material shall not be reduced.

**23. ~~Landscape Compatibility buffer between compatible uses.~~** A five (5) foot compatibility buffer shall be required between all compatible future land uses, excluding single family residential subdivisions or pods adjacent to single family residential subdivisions or pods. If hedges are used, they shall present a continuous solid opaque visual screen at a minimum of six (6) feet in height within two (2) years. Walls shall not be CBS type with a continuous footer. ~~Trees shall be spaced a maximum of thirty (30) feet on center. A continuous opaque hedge a minimum twenty-four (24) inches in height shall be installed twenty-four (24) inches on center along the entire length of the buffer and be maintained at minimum thirty-six (36) in height. Non-residential uses contiguous to a vacant residential property which has a residential designation in the Future Land Use Atlas of the Comprehensive Plan shall provide a buffer. Non-residential uses contiguous to a residential property which has a commercial designation on the Future Land Use Atlas of the Comprehensive Plan shall provide a buffer. Recreation and civic uses within a residential subdivision or pod shall require a buffer.~~

**34. ~~Landscape Incompatibility buffer between incompatible uses.~~** An incompatibility buffer shall be required between all incompatible future land uses or incompatible pods in a Planned Development. Pods adjacent to open space one

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hundred (100) feet or greater in width, do not require an incompatibility buffer.

...

TABLE 7.3-45  
INCOMPATIBILITY BUFFER TYPES

...

TABLE 7.3-45A  
MINIMUM REQUIRED <sup>1</sup>  
INCOMPATIBILITY BUFFERS <sup>2</sup>

...

~~c. Lots equal to or less than one (1) acre.~~ For all non-residential lots equal to or less than one (1) acre, a buffer shall be required. The buffer shall be a minimum of 5' in width with a minimum 6' high wall, fence, or DRC-approved alternative. The wall shall not be CBS type with a continuous footer.

dc. Tree spacing requirements. Tree spacing shall be determined by land use compatibility Table 7.3-6. (Relocated to 7.3.F.)  
~~(1) Clustering. (Relocated to 7.3.F.2.a.)~~

TABLE 7.3-56  
TREE SPACING REQUIREMENTS

...

ed. ~~Installation~~ Landscape barriers within incompatibility buffer. A continuous, solid, opaque, six foot (6') living or nonliving landscape barrier shall be installed in accordance with the following standards.

(1) Walls. ~~Except in Type 1 incompatibility buffers,~~ Walls shall be CBS and steel-reinforced with a continuous footing, or Zoning Division DRC approved alternative. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.

(2) Landscape. ~~If a wall or fence is used,~~ the landscaping shall be located between the landscape barrier and the adjacent incompatible use, unless waived by the Zoning Division or DRC. An incompatibility buffer for a non-residential use shall include a hedge on both sides of the wall, fence or other non-living landscape barrier, if required by the DRC. (7.3.F.3.g)

(3) Hedges. ~~If living landscape material is~~ Hedges used to create a landscape barrier, it shall present a continuous, solid opaque visual screen ~~of a and be a minimum of six (6) feet at time of installation and a maximum of twelve (12) feet at maturity,~~ with pedestrian openings provided for connections between internal and external pedestrian/bicycle circulation routes and maintenance purposes.

a. (4) Grade changes equal to or greater than four feet. When a landscape barrier separates sites with a finished grade elevation difference equal to or greater than four (4) feet, the wall height shall be measured from the average finished grade of the two (2) sites.

b. (5) Grade changes less than four feet. When a landscape barrier separates sites with a finished grade elevation difference less than four (4) feet, the wall height shall be measured directly adjacent to the wall, from the lowest finished grade on either side.

fe. Incompatibility bBuffer width reduction. ~~Where two perimeter landscape~~

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1 buffers abut, the required buffer width may be reduced 50%. The planting  
2 requirements in the buffer may be satisfied by an Alternative Landscape Plan. If  
3 the same type of landscape buffer exists on an abutting property, the width of one  
4 (1) buffer may be reduced fifty (50) percent, provided that there remains a  
5 minimum of five (5) clear feet for planting, or if a wall with a continuous footer is  
6 used, a minimum of ten (10) clear feet for planting.

7 ~~g. Non-living landscape barriers in landscape buffer strips. (Relocated to~~  
8 ~~7.3.F.d.(2))~~

9 ~~4. Landscape barriers. A hedge, wall, fence, or berm shall provide an opaque visual~~  
10 ~~screen as a landscape barrier and be installed and maintained within certain~~  
11 ~~landscape buffers.~~

12 ~~a. Commercial uses. A required landscape barrier shall be a minimum of six (6) feet~~  
13 ~~in height. The landscape barriers shall be no more than eight (8) feet in height~~  
14 ~~unless it complies with the setback requirements of the Zoning District.~~

15 ~~b. Residential uses. The landscape barrier shall be a maximum of four (4) feet in~~  
16 ~~height in the front yard. Hedges shall be a maximum of eight (8) feet in height in the~~  
17 ~~side and rear yards. Non-living barriers shall be a maximum of six (6) feet in height~~  
18 ~~in the side and rear yards.~~

19 **FIGURE 7.3-43**  
20 **Buffer Type Detail.**

21 ...

22  
23 **G. Interior landscape requirements.**

24 **1. Trees and Shrubs.** The following minimum interior tree quantities shall be required  
25 in addition to those trees required by Sec. 7.3.F.

26 **a. Canopy trees.** *At the time of installation, interior trees in vehicular use areas*  
27 *shall be a minimum of ten (10) feet in height with a five (5) foot canopy and be*  
28 *container grown or root pruned in the field. (7.3.E.4) Trees shall have, at*  
29 *installation, a minimum of four (4) feet of clear trunk. A minimum of seventy-five*  
30 *(75) percent of all trees that are required to be planted in the interior of vehicular*  
31 *use areas shall be canopy shade trees. (7.3.E.4.a)*

32 **FIGURE 7.3-4**  
33 **Interior Canopy Tree Measurement Standards. (FIGURE 7.3-2)**

34 ...

35 **b. Palms.** *Palms shall have a minimum of eight (8) feet of clear trunk or twelve (12)*  
36 *feet in overall height at the time of installation. Palms may count as one (1)*  
37 *required interior tree and shall not exceed a maximum of twenty five (25) percent*  
38 *of the required interior trees. (7.3.E.5.b) Preserved native palms with a minimum*  
39 *4' feet of clear trunk located within the interior of a site may be counted as one (1)*  
40 *required interior tree. Queen palms shall also have a minimum caliper size of six*  
41 *(6) inches. (7.3.E.5)*

42 **FIGURE 7.3-5**  
43 **Interior Palm Measurement Standards. (FIGURE 7.3-3)**

44 ...

45 **c. Hedges and shrubs.** The interior landscape requirements for hedges and shrubs  
46 shall be in accordance with Section 7.3.F.1.d.

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- 4.2. Minimum interior tree quantities.** *The following minimum interior tree quantities shall be required in addition to those trees required by Sec. 7.3.F. (7.3.G.1.)*
- a. Single family, two-unit townhouse, and two-unit multifamily lot. ...**
  - b. Three or more unit ~~townhouse or~~ multifamily development.** One (1) tree and three (3) shrubs shall be planted or preserved for every one thousand five hundred (1500) square feet of a three (3) or more unit ~~townhouse or~~ multifamily development ~~or lots~~ excluding areas of vegetation required to be preserved by Sec. 9.5 (Vegetation Preservation and Protection) and water management tracts.
  - c. Nonresidential development, common area, and open space.** One (1) tree and three (3) shrubs shall be planted or preserved for every twenty-five hundred (2500) square feet of a nonresidential development or lot, common area, or open space, excluding areas of vegetation required to be preserved by Sec. 9.5 (Vegetation Preservation and Protection) and water management tracts.
  - d. Foundation plantings.** Foundation plantings ~~Landscape islands~~ shall be provided along the front and side facades of all commercial structures. The minimum width of the required foundation planting ~~landscape islands~~ shall be five (5) feet. The combined length of the required foundation planting ~~landscape islands~~ shall be no less than forty (40%) percent of the total length of the applicable side of the structure. All required foundation plantings ~~landscape islands~~ shall be planted with a minimum of one (1) tree or palm for each every twenty (20) linear feet on center of building facade and appropriate ground cover. (7.3.G.4)
- 23. Off-street parking and interior vehicular use areas.** Off-street parking and interior vehicular use areas shall be subject to the following minimum requirements. Planting within landscape buffers required by Sec. 7.3.F. ~~36~~ shall not be used to satisfy these requirements. There shall be no vehicle encroachment or overhang into required landscape areas or pedestrian pathways. Dwarf hedges may be installed in accordance with Sec 7.3.E.13.a.(6). There shall be a minimum twenty (20) percent of the gross acreage allocated as pervious surface area.
- a. Terminal and Interior landscape islands.**
    - a.(1) Terminal landscape islands. ...**  
~~(1) Lots equal to or less than one (1) acre. (Relocated to 7.3.G.3.a.(3))~~
    - b.(2) Interior landscape islands. ...**  
~~(43) Lots equal to or less than one (1) acre.~~ For all non-residential lots equal to or less than one (1) acre, terminal and interior landscape islands shall be a minimum of five (5) feet in width, excluding required curbing, and fifteen (15) feet in length.
  - eb. Divider median.** Divider medians may shall be installed, as required by the County Engineer, between two (2) double rows of parking and between all parking/vehicular use areas. One (1) tree shall be planted for each thirty (30) linear feet of the a divider median, or fraction thereof. The minimum width shall be five (5) feet of unencroached landscape area.

FIGURE 7.3-56  
Divider Median Island with Curb Section  
...  
FIGURE 7.3-67  
Divider Median Island with Curb Detail  
...  
FIGURE 7.3-78  
Divider Median Island with Wheelstop Section

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...  
FIGURE 7.3-89

Divider Median Island with Wheelstop pPaved Detail

...  
FIGURE 7.3-910

Divider Median Island with Wheelstop uUn-paved Detail

...  
**dc. Landscape diamonds.** Landscape diamonds may be distributed throughout the interior of an off-street parking area to provide shading of parked motor vehicles as an alternative to interior landscape islands. Grade level tree planting areas shall be located only at the common intersection of four (4) parking spaces and spaced no greater than 4 spaces apart. The ground within the tree planting area shall receive appropriate landscape treatment, including mulch or ground cover. The minimum tree planting area shall be twenty-five (25) square feet and the minimum dimension shall be five (5) feet by five (5) feet.

FIGURE 7.3-101

Landscape Diamond Detail

- ...  
**ed. Parking area screening hedge.** All parking, loading, storage, or outdoor display areas adjacent to ~~rights-of-way~~ R-O-W shall be screened with a continuous hedge in accordance with Sec. 7.3.F.2 a minimum of twenty-four (24) inches in height, and spaced twenty-four (24) inches on center at installation.
- fe. Landscape protection measures.** Landscape protection measures, such as curbing and wheel stops, shall be required for all landscaping and shall be shown on all paving, drainage, site, and landscape plans. The landscape area adjacent to any off-street parking space or vehicular use area shall be protected from vehicular encroachment by the use of concrete wheel stops or continuous concrete curbing.
- (1) Curbing.** *Except as provided in Sec. 7.3.G.3.g. the subsection below, all landscape areas subject to vehicular encroachment shall be separated from vehicular use areas by six (6) inch, non-mountable, FDOT-type "D" or FDOT-type "F", concrete or asphalt curbing. The curbing shall be machine-laid, formed-in-place or integral with the pavement. (7.3.G.2.f.(2) Areas adjacent to vehicular use areas shall be surrounded with a continuous raised curb except for the following.*
- (a)** Divider medians that abut parking spaces with wheel stops.
  - (b)** Properties located in the PO zoning district.
  - (c)** Alternative landscape protection measures approved by the Zoning Director.
- (2) Wheel stops.** *Wheel stops shall have a minimum height of six (6) inches above finished grade of the parking area, shall be properly anchored, and continuously maintained in good condition. The space between the wheel stop and the end of the parking space may be paved as required by the Building Department for anchoring and maintenance purposes. Wheel stop anchor rods shall be set through the pavement and the bottom of the wheel stop must rest fully on the pavement to prevent rocking. (7.3.G.2.f.(3))*
- (23) Planting area.** *Planting area width requirements shall be measured from the inside edge of the curb. (Relocated to 7.3.G.3.e.(1))*

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~~(3) Wheel stops. (Relocated to 7.3.G.3.e.(2))~~

FIGURE 7.3-142  
Interior Landscape Requirements Detail

...

**34. Parking structures.** Parking structures within five hundred (500) feet of a public right-of-way in a single-family district shall provide perimeter planters at around each level of the parking structure. The planter shall provide a total of one-half (0.5) square foot of planting area for each linear foot of facade, ~~facing a public R.O.W. within five hundred (500) feet of a public (7.3.G.3) R-O-W or single-family residential zoning~~ district, per parking level. Planting areas may be arranged in linear fashion or clustered at intervals, and shall be provided with permanent irrigation to permit watering of plant materials. Planters shall be landscaped pursuant to the provisions of this section.

~~4. Foundation plantings. (Relocated to 7.3.G.2.d.)~~

**H. Installation, maintenance, pruning and irrigation and replacement.** ...

**1. Installation.** All landscaping shall be installed according to ~~sound~~ acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. A plant or tree's growth characteristics shall be considered before planting to prevent conflicts with views, lighting, or signage.

**a. Phasing.** ...

**(1) Planned developments....**

**(2) Other developments.** The entire perimeter landscaping shall be installed for residential and non-residential developments, ~~other than Planned Development Districts~~, prior to the issuance of the first certificate of occupancy or completion ~~or in accordance with an approved phasing plan by the DRC in accordance with the requirements of Table 7.3-2. For a phased residential development, the~~ buffer strip shall be installed along the entire perimeter of each phase.

~~2. Replacement. (Relocated to 7.3.E.7.d)~~

**2. 3. Maintenance.** ...

**a.** Regular maintenance of all landscaping ~~in good condition and~~ in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed and in accordance with acceptable horticultural practices.

**b.** The ~~repair or replacement~~ maintenance of required landscape structures (e.g., walls, fences) ~~to in~~ a structurally sound condition.

...

**f.** ~~Required~~ All trees shall be allowed to grow to a their natural mature height and a full canopy. ~~Required Large and medium canopy trees shall be allowed~~ required to attain a minimum twenty (20) foot canopy spread prior to pruning. ~~In no case shall the canopy spread be reduced to less than twenty (20) feet in width.~~ Maintenance shall be limited to periodic trimming to maintain healthy trees, removal of diseased limbs, or removal of limbs or foliage that present a hazard.

**g.** Landscape B~~uffers~~ strips shall be maintained and preserved along the entire length of the property ~~between an incompatible use or district.~~

**h.** Landscape areas which are required to be created or preserved by this section shall not be used for the storage/display of materials or sale of products or services. (7.3.H.6.a)

---

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7. ~~3.~~ **Pruning.** Pruning shall be permitted to allow for healthy growth, and to promote safety considerations. Trees which cause a conflict with views, signage or lighting shall not be pruned more than the maximum allowed. Trees shall not be pruned to reduce the canopy spread to less than twenty (20) feet or pruned in conflict with the maintenance standards above. The Zoning Director may suspend the provisions of this section in case of a natural disaster.

4. ~~5.~~ **Irrigation.** ...

~~6. Use of landscaped areas.~~

~~(1) Storage of materials. (Relocated to 7.3.H.2.h.)~~

~~(2) Landscape area around signs. (Relocated to 7.3.E.13.b.)~~

~~(3) Detention/retention areas, and lake maintenance easements. (Relocated to 7.3.E.12.b.)~~

~~7. Safe sight distance triangles. (Relocated to 7.3.E.13)~~

~~a. Standards.~~ Safe sight distance triangles shall be provided in accordance with the County Design Manual, published by the Department of Engineering, to restrict placement of visual obstructions.

~~b. Intersections.~~ Where an access way intersects a right-of-way, two (2) sight distance triangles shall be created, across from each other on both sides of the access way. Measured from point of intersection, two (2) sides of the triangle shall extend ten (10) feet along the abutting right-of-way and access way lines. The third side of the triangle shall be a diagonal line connecting the ends of the two (2) sides as set forth in the County Design Manual, Driveway Connection to a Street Drawing 200-4.

~~(1) Alternative.~~ Alternative safe sight distance triangles may be required in individual cases if they are deemed necessary by the County Engineer to ensure adequate traffic safety. If alternative safe distance triangles are required, they shall result in traffic safety which is equivalent or superior to the minimum standards of this subsection.

~~c. Landscape limitations. (Relocated to 7.3.E.13.a.)~~

~~I. Water conservation. (Relocated to 7.3.E.3.)~~

#### TABLE 7.3-6

#### ~~WATER CONSERVATION POINT SCALE (Relocated to TABLE 7.3-1)~~

~~J. Special landscape and vegetation protection standards. (Relocated to 7.3.E.4.a.)~~

~~5. Care and maintenance. (Relocated to 7.3.H.2.i.)~~

~~a. Exemption.~~ Median landscaping shall be exempt from County maintenance responsibilities when the developer is required to maintain median landscaping pursuant to Conditions of Approval, or by this code.

~~KI. Temporary suspension of landscape standards.~~

~~LJ. Administration....~~

~~2. Optional special certification. ...~~

~~a. Form of special certification.~~ The special certification shall:

~~(1) bear the seal of a landscape architect; or other licensed professional as authorized by Chapter 481, Fla. Stat., Part II; who (7.3.L.a.(1)-(7))~~

~~a. personally inspected the site;~~

~~b. certifies that landscaping was properly installed and meets all requirements of this section;~~

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c. *understands that any misrepresentations or misstatements in the special certificate of compliance shall constitute a violation of this section and of State law; and*

d. *understands that misrepresentations or misstatements in the special certificate of compliance may also become the grounds for professional disciplinary action pursuant to State law.*

(4)(2) ...

(2)(3) be submitted in sufficient numbers upon forms available from PZ&B; and

(3)—(Relocated to 7.3.J.2.a.)

...

(8)(4) ...

b. Field verification of special certification. ...

c. Acceptance of special certification. ...

**MK. Enforcement.** ...

**SUBPART 53 Section 7.6., Site Development Standards, Excavation is amended to add and delete language as follows:**

...

**B. Applicability.** All mining and excavation activities that create a temporary or permanent body of water within unincorporated Palm Beach County shall comply with the regulations established in this Section, Sec. 6.4.D.35., Sec. 6.8, the ULDC and other State and Local requirements, as applicable. The regulations of this section may be known as the "Palm Beach County Mining and Excavation Code."

...

**D. Types of Approvals, General....**

~~1. Exemptions. A number of specific activities are exempt from the regulatory processes of this Section. Exemptions are listed in Sec. 7.6.E.2. and are administered by ERM and PZ&B.~~

...

**F. Specific Standards for each Excavation Type.** Before commencement of any excavation, approvals shall be obtained pursuant to the procedures and standards defined in Sec. 6.4.D.35 and standards of this section. ~~Special standards for each excavation type are defined below:~~

**1. Type I(A) excavations.**

~~a. Criteria and procedural requirements. All Type I(A) excavations shall comply with the classification criteria and procedural requirements in Sec. 6.4.D.35.a.~~

a. Minimum lot area. *The minimum lot area shall be one (1) acre. (6.4.D.35.a.)*

b. Maximum excavated surface area. *The maximum excavated surface area of all excavated areas on the premises shall be less than two tenths (0.2) acre (8,712 square feet). (6.4.D.35.a.)*

c. Off-site removal. ~~No off-site removal of extracted material shall be permitted (6.4.D.35.a.) is prohibited.~~

~~b. Specific construction standards. All Type I(A) excavations shall comply with the Operational and Construction standards in Sec. 7.6.H.1. and 7.6.H.2., unless specifically delineated below:~~

~~(4)d.~~ **Separation and Setbacks.** In addition to the separation standards requirements in of Sec. 7.6.H.2.a., the excavated area (measured from the edge of water) Type 1 (A) excavations shall comply with maintain the following minimum setbacks measured from the inside edge of the lake maintenance easement:

(a)(1)...

---

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- (b)(2)...
- (e)(3)...
- (2)e. **Slopes.** Slopes shall be constructed in accordance with the standards in Sec. 7.6.H.2.b. If a lake, excavated prior to June 16, 1992, does not comply with the minimum slope requirements of this section Sec. 7.6.I.2.b., a minimum four (4) foot high gated fence completely enclosing the excavated area may be substituted for the required slopes.
- (3)f. **Maximum depth.** Excavation activity shall not exceed ten (10) feet in depth below OWL.
- (4) **Dewatering.** ~~Dewatering activity shall not be allowed unless otherwise permitted by a State or federal permitting agency.~~
- eg. **Reclamation.** The applicant shall comply with the following reclamation requirements prior to issuance of a Certificate of Occupancy.
- (1) ~~All side slopes shall be stabilized and planted with the appropriate ground cover from top of bank to the edge of the water. If seeding is to be used, a minimum of fifty (50) percent coverage of seeded areas shall be required. Compliance with erosion control the slope angle and drainage provisions in of Sec. 7.6.H.2.b.(1) and (4) and the reclamation standards of Sec. 7.6.I.3.b shall be required.~~
  - (2) The property owner shall submit to PZ&B the Building Division a Certificate of Compliance sealed by a registered Land Surveyor depicting:
- ...
- h. **Use approval.** *Applications shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling (6.4.D.35.a.) pursuant to the procedural and site development standards of this section and Sec. 7.6.F.1.*
- (1) **Application requirements and procedures.** *The building permit drawings shall be supplemented with the information below (6.4.D.35.a.) following:*
    - (a) **Site Plan.** *A general site plan complying with the standards of in Sec. 7.6.F.1.; and*
    - (b) **Statement.** *A statement estimating the amount of excavated material, in cubic yards; and*
    - (c) **Notarized Authorization.** *Notarized authorization from the property owner to excavate. (6.4.D.35.a.)*
  - (2) **Determination of sufficiency, review and decision.** *A permit shall be issued by PZ&B, with or without conditions of approval after the application has been determined complete and in compliance with this section (6.4.D.35.a.) and the standards in Sec. 7.6.F.1. and 7.6.H.1. and 7.6.H.2.*
2. **Type I (B) excavations.**
- a. ~~Criteria and procedural requirements.~~ *All Type I(B) excavations shall comply with the classification criteria and procedural requirements in Sec. 6.4.D.35.b and g.*
  - a. **Minimum lot area.** *The minimum lot area shall be two and one half (2.5) acres. (6.4.D.35.b.)*
  - b. **Maximum surface area.** *The maximum surface area of all excavation on the premises shall be less than twenty five (25%) percent of the gross lot area and shall not exceed two (2.0) acres. (6.4.D.35.b.)*
  - c. **Off-site removal.** *Off-site removal of extracted material is prohibited.*
  - b. ~~Specific construction standards.~~ *All Type I(B) excavations shall meet the Operational and Construction standards in Sec. 7.6.H.1. and 7.6.H.2. unless specifically delineated below:*
- (4)d. **Separations and Setbacks.** In addition to the separation requirements in of Sec. 7.6.H.2.a, Type I(B) excavations shall maintain the following minimum

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setbacks of:

(a1) **Fifty (50) feet measured to the top of bank.** At the time of construction from any adjacent property line;

(b2)...

(c3)...

e. **Maximum depth.** *Excavation activity shall not exceed fifteen (15) feet in depth below OWL. (7.6.H.2.c.)*

ef. **Reclamation.** The applicant shall comply with the following reclamation requirements prior to issuance of a Certificate of Occupancy.

(1) ~~All side slopes shall be stabilized and planted with the appropriate ground cover from top of bank to the edge of the water. If seeding is to be used, a minimum of (50%) fifty (50) percent coverage of seeded areas~~ Compliance with the slope angle and drainage provisions of Sec. 7.6.I.2.b.(1) and (4) and the reclamation standards of Sec 7.6.I.3.b. shall be required.

(2)...

(a) ~~An as-built survey showing the location, size, and depth of the excavation; and In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.~~

(b) *In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan. [7.6.F.2.c.(2)(a)]*

g. **Use approval.** Applications shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling.

(1) **DRC approval.** *DRC review and approval shall be required pursuant to Sec. 5.6. (Site Plan or Final Subdivision Plan). DRC shall review for compliance with Sec 7.6. and may approve the application with or without conditions. (6.4.D.35.b.(2))*

(2) **Duration.** *A Type I (B) excavation permit shall expire after one hundred and twenty (120) days from the date authorization is received to begin excavation activity. [6.4.D.35.b.(2)]*

### 3. Agricultural excavations.

a. ~~**Procedure.** All Agricultural excavations shall comply with the procedural and application requirements in Sec. 6.4.D.35.c. and g.~~

b. ~~**Operational and construction standards.** Applications shall demonstrate compliance with all Operational and Construction standards in Sec. 7.6.H.1. and 7.6.H.2.~~

ea. **Separations and Setbacks.** In addition to the separation requirements in Sec. 7.6.H.2.a., Agricultural excavations shall maintain a minimum setback of one hundred (100) feet measured ~~to the top of bank~~ from the inside edge of the lake maintenance easement to any adjacent property line.

b. **Maximum depth.** *Excavation activity shall not exceed twenty (20) feet from OWL because of chloride and total dissolved solids (TDS) or other water quality considerations. This maximum depth may be exceeded if approved by ERM in accordance with Sec. 7.6.IJ., provided the applicant adequately ensures that: (1) chloride levels shall not exceed two hundred and fifty (250) parts per million (ppm) and ~~or~~ (2) TDS does not exceed five hundred (500) ppm within the excavated lake or pond based on ground water sampling prior to construction, or the applicant may provide reasonable assurance that the ambient off-site chloride levels will not be degraded based upon background levels. Additional sampling may be required during and after construction.*

c. **Sediment sump.** A sediment sump may be constructed at the excavated lake or

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pond inlet to a depth of twenty-five (25) feet OWL. However, this sump shall not exceed 5% of the mined lake area. (7.6.H.2.c.)

...

**e. Use approval.** All agricultural excavations shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable Industry Standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Article 3 (Definitions). Excavation shall be the minimum necessary to implement the bona fide agricultural use.

**(1) Excavations two (2) acres or less in surface area.** ~~Use approval.~~ DRC review and approval shall be required pursuant to Sec. 5.6. (Site Plan or Final Subdivision Plan). DRC shall review for compliance with the standards in ~~Sec. 7.6.F.3~~ of this section and may approve the application with or without conditions.

**(2) Excavations greater than two (2) acres in surface area.** Excavation activity shall be subject to the submission, review and approval as a Class A Conditional Use pursuant to Sec. 5.4. (Conditional Uses) and ~~Sec. 7.6.F.3~~ this section. The BCC may permit offsite removal and may apply the appropriate compatibility standards of Sec. 7.6.F.6.d.f. to approve, approve with conditions, or deny the application for a Class A Conditional Use. (6.4.D.35.c.)

~~e. f....~~

~~f. g....~~

#### 4. West County Agricultural Area (WCAA) Excavations.

~~a. Procedure.~~ All WCAA excavations shall comply with the procedural and supplemental application requirements in ~~Sec. 6.4.D.35.d. and g.~~

**ba. Operational and Construction standards..**

**(4)b. Separations and Setbacks.** In addition to the separation requirements in ~~of~~ Sec. 7.6.H.2.a, WCAA excavations shall maintain a minimum setback of fifty (50) feet from all property lines measured to the top of bank from the inside edge of the lake maintenance easement to any adjacent property lines.

**c. Maximum depth.** The maximum depth for the excavated lake or pond shall not exceed fifteen (15) feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with Sec. 7.6.IJ provided the applicant adequately ensures that: chloride levels shall not exceed two hundred and fifty (250) parts per million (PPM) or and TDS does not exceed five hundred (500) ppm within the excavated lake or pond based on ground water sampling prior to construction. Additional sampling may be required during and after construction.

**d. Sediment sump.** A sediment pump may be constructed at the excavated lake or pond inlet to a depth of twenty-five (25) feet OWL. However, this sump shall not exceed five percent (5%) of the mined lake area. (7.6.H.2.c.)

**e. Use approval.** All WCAA excavations shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable Industry Standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Article 3 (Definitions). Excavation shall be the minimum necessary to implement the bona fide agricultural use. (6.4.D.35.c.)

~~d. f.~~ **f. Notice of Intent to Construct...**

#### 5. Type II excavations.

~~a. Procedure.~~ All Type II excavations shall comply with the procedural and supplemental application requirements in ~~Sec. 6.4.D.35.e. and g.~~

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1 **a. Location.** A Type II excavation may be permitted to implement a site development  
2 plan for a primary use as permitted in the Use Regulation Schedule Table 6.4-1,  
3 and to implement a Preliminary Development Plan (Master Plan) within any  
4 Planned Development District. (6.4.D.35.e.)  
5 ...

6 **c. Separations and setbacks....**  
7 ...

8 **d. Limited off-site removal.** Type II excavations are allowed to permit earth work  
9 associated with land development activities. A minimum of ninety (90) percent of  
10 the fill shall be used on site, unless unusual site conditions exist. If the applicant  
11 must remove more than ten (10) percent of the fill from the site, then use approval  
12 shall be requested as defined in Sec. 7.6.F.5.e.

13 **e. Exception to off-site removal limitation.** An excess of ten (10%) percent of the fill  
14 may be removed off-site for the following types of excavation activities:

15 **(1) Excavation associated with the approval of a final development plan.** If an  
16 excess of ten (10%) percent of fill is proposed to be removed from a site and  
17 no unusual conditions exist justifying removal of more than ten (10) percent of  
18 the excavated material, as specified in Sec. ~~6.4.D.35.e.(2)(b)~~ *above*  
19 *7.6.F.5.f.(2)*, then the excavation shall be considered a Type IIIA mining  
20 operation. This exception applies only to sites located within the Urban Service  
21 Area or a site in the rural service area which has a valid development order  
22 approved prior to the {effective date of this ordinance}. The applicant shall  
23 apply for a Class A Conditional Use approval for a Type III A excavation  
24 pursuant to the standards of Sec. 5.4. (Conditional Uses) and shall comply with  
25 the following requirements.

- 26 **(a) Operational and Construction standards in Sec. 7.6.HI.1 and ~~7.6.H.2.~~**;  
27 **(b) Littoral standards in Sec. 7.6.HI.3.c;**  
28 **(c) Upland Reclamation Standards in Sec. 7.6.HI.3.d;**  
29 **(d) Maintenance and Monitoring requirements for excavated areas, and**  
30 **littoral plantings in Sec. 7.6.HI.5.**  
31 **(e) Buffer requirements in Sec. 7.6.F.6.d.f.(2).(a).(iii); and**  
32 **(f) Setbacks shall be provided pursuant to Type II setback requirements in**  
33 **Sec. 7.6.F.5.eg.**  
34 **(g) Location and Access.** The development shall have direct frontage on and  
35 access to a collector or arterial street depicted on the County's Thoroughfare  
36 Identification Map.

37 The following standards set forth in Sec. 7.6.F.6., shall not apply, unless the BCC  
38 makes a finding of fact that waiver of these standards violates the compatibility  
39 standards in Section 7.6.F.6.d.

- 40 1) Separation from other land uses pursuant to Sec. 7.6.F.6.f.(2)(a)(b)(i)(1); and,  
41 2) Minimum acreage requirement pursuant to 7.6.F.6.e.(2)(a)(b)(i).

42 **(2) Excavation, performed by public agency, to provide drainage for a public R-O-W.**  
43 Excavation activity located outside the ~~right-of-way~~ R-O-W boundary, conducted  
44 solely to accommodate drainage for a public road ~~right-of-way~~ R-O-W, and  
45 performed or caused to be performed by contract by a public agency, as defined  
46 herein, shall comply with the standards below. The excavation activity shall:  
47 **(a)** be on land owned by ~~Palm Beach County~~, the State or a Water Control District  
48 created by special act to operate under Fl. Statutes Chapter 298 (1996); or  
49 **(b)** be on land granted by easement to and accepted by PBC, the State or a Water  
50 Control District; and

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- (c) *be the absolute minimum necessary to comply with the surface water drainage requirements for the public R-O-W.*
- For the purposes of this section, authorization by PBC, FDOT or a Water Control District to construct a public R-O-W shall constitute a valid development order. The excavation activity shall comply with the standards below.*
- 1) *Notice of Intent to Construct pursuant to Sec 7.6.H.;*
  - 2) *Operational and Construction standards pursuant to Sec. 7.6.I.1 and 2, except for Sec. 7.6.I.1.j.;*
  - 3) *Littoral zone and general upland reclamation requirements pursuant to Sec. 7.6.I.3.c and d.(1)(b); and*
  - 4) *Maintenance and Monitoring requirements pursuant to Sec. 7.6.I.4. (6.4.D.35.e.)*
- f. **Maximum depth.** The maximum depth of a Type II excavation shall be in accordance with Sec. 7.6.F.3.b.
- g. **Use approval.** Prior to initiating excavation activity, approval shall be required in accordance with this section.
- (1) **DRC approval.** Prior to initiating Type II excavation activities, DRC review and approval shall be required. Application shall be made in accordance with Sec. 5.6 (Site Plan or Final Subdivision Plan) and the supplemental application requirements in Sec. 6.4.D.35.g below this section. DRC shall review the final site development plan for compliance with the standards in Sec. 7.6.F.5. of this section and may approve with or without conditions.
  - (2) **Removal of excess fill from the site.** DRC may approve removal of more than ten (10%) percent of the extracted material from the site if:
    - (a) *The applicant demonstrates that the make up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock or muck;*
    - (b) *The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and*
    - (c) *The impact of hauling the material off-site will not cause adverse affects to adjacent property owners or R-O-W. (6.4.D.35.e.)*
- dh. **Notice of Intent to Construct** shall be required in accordance with Sec. 7.6.GH.
6. **Type III excavations.**
- a. **Classification of Type III excavations.** ~~A Type III excavation shall be classified as a Type IIIA or a Type IIIB as defined in Sec. 6.4.D.35.f. Excavations that meet the definition of mining are considered commercial operations. Type II, or Agricultural excavations that exceed established criteria, as defined in this section, are also considered to be a Type III excavation. Two classes of Type III excavations (Type IIIA and Type IIIB) are established to distinguish between the types of mining operations.~~
  - (1) **Type IIIA.** *Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type IIIA excavation activity may use dragline, dredging or earthmoving equipment to perform the mining operation provided the operation complies with the standards of this section and Sec. 7.6. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.*
  - (2) **Type IIIB.** *Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require extensive processing of the material*

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on site. Type IIIB excavations may use dragline, dredging, earthmoving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift and transport the material on site may be permitted subject to compliance with the standards of this section. (6.4.D.35.f.)

~~b. Procedural and supplemental application requirements. All Type III applications shall comply with the procedural and supplemental application requirements in Sec. 6.4.D.35.f. and g.~~

~~eb. Standards...~~

...

c. Location. All Type III excavations may be permitted in accordance with the Use Regulation Schedule Table 6.4-1. Mining may be permitted with limitations in the districts identified below.

(1) AP District in the AP land use category. The use of extractive material mined in the AP zoning district shall be limited to public road construction projects only and shall demonstrate compliance with the compatibility standards of Sec. 7.6.F.6.e.f.

(2) SA District. All applications for mining in the SA district shall demonstrate compliance with the compatibility standards of Sec. 7.6.F.6.e.f. (6.4.D.35.f.)

d. Maximum depth. The maximum depth of a Type III excavation shall be in accordance with Sec. 7.6.F.3.b.

e. Accessory use. An asphalt batch concrete plant shall be permitted as an accessory use to a Type III B excavation subject to DRC approval and provided that:

(1) the site is a minimum of five hundred (500) acres;

(2) the use is separated at least one half (1/2) mile from any residential use or district; and

(3) there is direct access to an arterial street.

f. Use Approval. A Class A Conditional Use approval is required for all Type III excavations, in accordance with Sec. 5.4. (Conditional Uses) and ~~the supplemental application requirements of Sec. 6.4.D.35.g. below this section.~~ Simultaneously with submittal of the Class A Conditional Use application to the Zoning Division, the applicant shall submit a duplicate copy to the Water Control District that has jurisdiction to maintain roads and drainage within the area. The Water Control District may provide comments to the Zoning Division within twenty (20) calendar days in order for comments to be included in the staff report for presentation to the BCC.

(1) Certification of a final site (excavation) plan. Prior to starting any activity associated with the excavation project, the applicant shall submit an excavation plan to DRC for review and approval in accordance with Sec. 5.6.b.2 (Site Plan or Final Subdivision Plan)

(a) Phasing of excavation activity. In the event that excavation and reclamation is to be conducted in phases, the applicant shall submit a phasing plan complying with the requirements of Sec. ~~6.4.D.35.g and Sec.~~ 7.6.HG and I..

(b) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by Sec. 7.6.HI.5, and written authorization by DRC.

(2) Haul permit. The BCC may require as a condition of approval, a haul permit

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for unpaved collector or arterial streets as defined in Sec. 7.6.F.6.~~ff~~.(1)(a). If required, a haul permit application shall be submitted to and approved by the Land Development Division in accordance with Sec. 7.6.H~~l~~.1.j. prior to Notice of Intent to Construct.

**(3) Notice of Intent to Construct** shall be submitted to and receive approval from ERM in accordance with Sec. 7.6.G~~H~~. prior to initiating any on-site excavation activities.

**(4) Reclamation plan approval and release of performance guarantees.** Prior to the release of any performance guarantee, in accordance with Sec. 7.6.H~~l~~.5, DRC shall approve an "as built" reclamation plan.

The plan shall include certified as-built drawings and written certification, bearing the seal of an engineer registered in the State of Florida, certifying compliance with Sec. 7.6.H~~l~~ (excluding littoral and upland planting requirements), and that all construction related development order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Sec. 7.6.H~~l~~.4.g.(3).

**dg. Compatibility standards, intent...**

...

**G. Supplemental application requirements.**

**1.** All Type I(B), Type II, Type IIIA and Type IIIB excavations shall supplement the application requirements set forth in Sec. 5.4 (Conditional Uses), Sec. 5.6 (Site plan or Final Subdivision Plan), and the official application form with the materials and information listed below.

**a. Statement** listing the nature of the excavation operation, including but not limited to the:

- (1) Amount and type of materials to be excavated;
- (2) Duration of the excavation activity and reclamation activity;
- (3) The proposed method of excavation;
- (4) The amount of fill to remain on site;
- (5) If permitted, the amount of fill to be removed from site; and
- (6) intent to comply with Sec. 7.13, (Archeological Resources Protection).

**b. Site (excavation) plan.** A site plan depicting:

- (1) Boundaries, dimensions and acreage of the site and excavated surface area(s);
- (2) All existing and proposed improvements including easements, R-O-Ws, weigh stations, and other structures;
- (3) Setbacks and separations;
- (4) Preservation areas;
- (5) Water table elevations, including Ordinary Water Level.

**c. Vegetation permit application.** A vegetation permit application pursuant to Sec. 9.5. (Vegetation Preservation and Protection)

**d. Aerial.** An aerial at a scale of 1:200 or better, clearly depicting the site.

**e. Fees.** Fees as adopted by the established Fee Schedules.

**2.** All applications for Type II, Type IIIA and Type IIIB excavations shall require the additional information listed below.

**a. Soil boring statement.** A statement, certified by an Engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction; or ~~(2)~~ the soil contains excessive amounts of silt, rock or muck.

**b. Site (excavation) plan depicting:**

- (1) Operational standards pursuant to Sec. 7.6.H~~l~~.1., as applicable; and
- (2) Equipment storage, and stockpile areas, including sizes and heights.

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1 c. **Landscape Plan.** A landscape plan indicating the buffers and reclamation  
2 plantings.

3 d. **Cross Sections** delineating compliance with the following requirements, as  
4 applicable:

5 (1) Construction standards pursuant to Sec. 7.6.HI.2.;

6 (2) Reclamation standards pursuant to Sec. 7.6.HI.3.;

7 (3) Buffer details.

8 e. **Operations plan.** An operations plan shall be submitted in the form of a  
9 statement and shall include the methods of material extraction, on site  
10 processing including erosion and sediment control methods and particulate  
11 matter control. The plan shall also delineate how the impacts from the hauling  
12 operations will be controlled.

13 f. **Haul route plan.** The plan shall include a map indicating all possible proposed  
14 haul routes within the radius of impacts as defined in Sec. 7.6.F.6.ðf.

15 **3. All applications for Type IIIA and Type IIIB excavations** shall require the  
16 additional information listed below.

17 a. **Site (excavation) plan.** A site plan depicting:

18 (1) Location of grading, sorting, crushing and similar equipment necessary for  
19 the operation and distribution of the excavated material.

20 b. **Additional information:**

21 (1) Maintenance and Monitoring Report Schedule pursuant to Sec. 7.6.HI.5;

22 (2) Surrounding uses map depicting the location of the outer boundary of area  
23 to be excavated and distances to surrounding land uses; including all  
24 residences within the applicable specified distance in the separation  
25 standards in Sec. 7.6.F.6.ðf.

26 (3) **Phasing plan.** A phasing plan and tabular data depicting acreage, location,  
27 sequence of operations and schedule of reclamation requirements.

28 (4) **Tree survey.** A tree survey shall be submitted as required by Sec.  
29 7.6.HI.3.d.(4).

30 **4. The Zoning Director may request any other information as deemed reasonable**  
31 **and necessary to evaluate the application.** (6.4.D.35.g.)

32 **GH. Notice of Intent to Construct...**

33 ...

34 **HI. Technical standards: Operational, Construction, Reclamation, and**  
35 **Maintenance and Monitoring.**

36 **1. Operational standards and requirements....**

37 ...

38 c. **Emissions of fugitive particulate matter.** Excavation operations, including  
39 hauling activity shall be conducted to prevent the emission of dust or other solid  
40 matter into the air or on adjacent properties pursuant to the smoke, emissions and  
41 particulate matter provisions of Sec. 7.8.F (Smoke, emissions and particulate  
42 matter Miscellaneous Standards) and Rule 62-296, F.A.C.

43 ...

44 **2. Construction standards....**

45 ...

46 **c. Depth:**

47 ~~(1) Maximum depth for Type II, Type III and Agricultural Excavations shall not~~  
48 ~~exceed twenty (20) feet from OWL because of chloride and total dissolved solids~~  
49 ~~(TDS) or other water quality considerations. This maximum depth may be exceeded~~  
50 ~~if approved by ERM in accordance with Sec. 7.6.IJ., provided the applicant~~

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adequately ensures that: (1) chloride levels shall not exceed two hundred and fifty (250) parts per million (ppm) and or (2) TDS does not exceed five hundred (500) ppm within the excavated lake or pond based on ground water sampling prior to construction, or the applicant may provide reasonable assurance that the ambient off-site chloride levels will not be degraded based upon background levels. Additional sampling may be required during and after construction.

~~(2) Maximum depth for Type I(B) excavations.~~ No excavation shall exceed fifteen (15) feet in depth below the OWL.

~~(3) Maximum depth, WCAA excavations.~~ The maximum depth for the excavated lake or pond shall not exceed fifteen (15) feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with Sec. 7.6.IJ provided the applicant adequately ensures that: chloride levels shall not exceed two hundred and fifty (250) parts per million (PPM) or and TDS does not exceed five hundred (500) ppm within the excavated lake or pond based on ground water sampling prior to construction. Additional sampling may be required during and after construction.

~~(4) A Sediment sump~~ may be constructed, except in a Type IA and Type IB excavation at the excavated lake or pond inlet to a depth of twenty-five (25) feet OWL. However, this sump shall not exceed 5% of the mined lake area.

dc. Final site conditions...

**SUBPART 54 Section 7.14.I.6.a.(1)(e), Site Development Standards, Signage, On-site signs subject to special standards, Point of purchase signs, Freestanding signs, Location is amended to add and delete language as follows:**

e. Freestanding signs erected in a median within an access way to a development *shall not exceed sixty (60) square feet. Such signs* shall be set back a minimum of four (4) feet from the face of curb or from the edge of adjacent pavement where no curb exists, *and a minimum of ten (10) feet from the nearest R-O-W of any adjacent street.* to a height of There shall be at least thirteen and a half (13.5) feet clearance above the adjacent pavement if the sign overhangs the access way. In addition, such signs shall be located so as to meet visibility requirements for landscaping within safe sight distance triangles in accordance with Sec. 7.3. (Landscaping & Buffering). ~~set back a minimum of ten (10) feet from the near right-of-way of any adjacent street, from a height of thirty (30) inches to eight (8) feet above the adjacent pavement.~~ Freestanding signs created in a median shall not exceed sixty (60) square feet.

**SUBPART 55 Section 8.24., Stormwater Management, is amended to add and delete language as follows:**

**A. Minimum required improvement.** The following shall be the minimum required improvement for all developments to implement the level of service protection under the ~~Drainage and Capital Improvements~~ Stormwater Management Elements of the Comprehensive Plan.

...  
**G. Drainage Stormwater management and maintenance access rights....**

...  
**3. Drainage Stormwater management easements.** Drainage ~~e~~Easements shall be provided where necessary at a width adequate to accommodate the ~~drainage~~ stormwater management facilities.

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**SUBPART 56** Section 9.5., Environmental Standards, Vegetation Preservation and Protection, is amended to add and delete language as follows:

## I. Administrative Requirements....

### 3. Violations....

- ~~c. Failure to notify a prospective buyer in writing of the applicable restrictions and requirements wherein the Minimum Alteration Option was exercised in lieu of a preserve.~~

**K. Environmentally sensitive lands and preserve areas.** *Planned developments shall*

*be designed to mitigate the negative impacts of development intensity and density away from sites designated "A" or "B" on the Inventory of Native Ecosystems map, as amended, Sec. 9-2, natural areas as defined in Palm Beach County Ordinance 94-13 and Palm Beach Code, Chapter 11, Article XI and sites designated as preserve areas according to Sec. 7.5 this section. Proposed development shall not negatively impact the native ecosystem of these adjacent environmentally sensitive sites and shall comply with the criteria established in Art. 9 for Environmental Sensitive Lands and other applicable environmental ordinances. The applicant shall work in cooperation with the PZB and ERM to establish mutually acceptable alternatives to protect the environmentally sensitive lands, including but not limited to:*

- a. **Prohibition.** The prohibition of certain land uses;
- b. **Buffer.** A reduction in the building intensity near environmentally sensitive land and preserve areas by the creation of a minimum fifty (50) feet buffer zone; or,
- c. **Clustering.** The clustering of development away from the environmentally sensitive lands or preserve areas; or,
- d. **Combination.** A combination of these alternatives.

*Additionally, all efforts shall be made to minimize site alterations near environmentally sensitive lands and preserve areas. (6.8.A.23.f.)*

**SUBPART 57 Section 11.2., Adequate Public Facility Standards, Level of Service (LOS) Standards is amended to add and delete language as follows:**

**SEC. 11.2 Level of Service (LOS) Standards.** The LOS standards for public facilities are referred to in the Capital Improvements Element of the Comprehensive Plan and shall apply in the review of development pursuant to the procedures and standards of this article.

**SUBPART 58 Section 11.3., Adequate Public Facility Standards, Review for Adequate Public Facilities is amended to add and delete language as follows:**

**C. Standards for review of application for Adequate Public Facilities Determination and Concurrency Reservation....**

**2. Drainage Stormwater management facilities.** The drainage stormwater management component shall be approved if the proposed development has a legal right to convey ~~drainage~~ stormwater to a point of legal positive outfall or meets

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the exemption provisions of Art. 8.24.A.3.

**D. Rules of General Applicability for an Adequate Public Facilities Determination and Reservation.**

**2. Effect.**

**a. Adequate Public Facilities Determination.** An APF determination will remain valid until it expires and may be obtained ~~for all~~ only for preliminary development orders ~~except for a plat or building permit.~~

**4. Conversion of an Adequate Public Facilities Determination to a Certificate of Concurrency Reservation.** Within the six (6) month validity of the Adequate Public Facilities Determination, the applicant may request that the determination be converted to a ~~Certificate of Concurrency Reservation.~~ The request shall require submittal of an amendment to the application and payment of the applicable fee. Once all service providers have approved the amendment, a ~~Certificate of Concurrency Reservation~~ will be issued.

**SUBPART 59 Section 11.4., REVIEW FOR ADEQUATE PUBLIC FACILITIES, ENTITLEMENT DENSITY is amended to add and delete language as follows:**

**E. Standards for entitlement density....**

**2.** the LOS for ~~drainage~~ stormwater management facilities for the development proposed in the application is met pursuant to the requirements of Sec. 11.3.C.;

**SUBPART 60 Section 14.2.G., Enforcement Proceedings and Penalties, Enforcement by Code Enforcement Board and/or Special Master, Appeal is amended to add and delete language as follows:**

**G. Appeal.** Any aggrieved party may appeal an order of the Code Enforcement Board and/or Special Master, including Palm Beach County, to the Circuit Court of Palm Beach County, Florida. Such appeal shall not be a hearing de novo, but ~~shall be a petition for Writ of Certiorari and the Court~~ shall be limited to appellate review of the record created before the Enforcement Board. Any appeal filed pursuant to this Article shall be considered timely if it was filed within thirty (30) days after the hearing at which the order was announced. The County may assess a reasonable charge for the preparation of the record to be paid by the petitioner in accordance with Section 119.07, Fla. Stat.

**SUBPART 61 Section 15(I)B, Traffic Performance Standards, Subsection 2 Terms Herein is amended to add and delete language as follows:**

**MAJOR THOROUGHFARES - MAJOR THOROUGHFARES are:**

**(A)** All streets as defined in the Thoroughfare Right-of-Way Identification Map, ~~Maps 5A and 5B~~ Map TE 14.1 of the Plan as it may be amended from time to time;

**THOROUGHFARE RIGHT OF WAY IDENTIFICATION MAP or PLAN** -as described in the ~~Traffic Circulation Transportation Element of the Plan, III; Existing Conditions; D; Thoroughfare Right of Way Identification Map~~ Support Document, II, Existing Transportation System.

**SUBPART 62 Section 15(I)D, Traffic Performance Standards, Subsection 2. Buildout/Model Standard, DRI is amended to add and delete language as follows:**

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1 (H) DRI. DEVELOPMENT ORDERS for a Development of Regional Impact (DRI) with a  
2 project buildout of more than five (5) years may meet Test One and Alternate Test One based  
3 on Development Order conditions that phase building permits to the commencement of  
4 ASSURED CONSTRUCTION for the first five years of the project and the construction of  
5 identified roadway links in the 204015 Plan Network beyond the first five years of the project.  
6 Any roadway improvement required beyond the first five years must be ASSURED  
7 CONSTRUCTION not less than three (3) years before the date that the roadway improvement  
8 is required. No building permits within the DRI that are phased to a roadway improvement may  
9 be issued until the roadway improvement that the building permits are phased to is under  
10 construction.

11 **SUBPART 63 Section 15(I)J, Traffic Performance Standards, Affordable Housing,**  
12 **Subsection 2. Eligibility (B) is amended to add and delete language**  
13 **as follows:**

14 (B) Mixed housing which enhances or balances the proportions of very low and low income  
15 and market-rate housing within the surrounding area as designated by a sector. A sector is  
16 defined in the Traffic Circulation Supporting Document of Transportation Element of the  
17 comprehensive plan and is provided here for convenience.....

18 **SUBPART 64 Section 15(II)G Traffic Performance Standards, Method of Prioritizing**  
19 **Thoroughfare Improvements is amended to add and delete language**  
20 **as follows:**

21 ...  
22 (C) The relief provided under this special Methodology section shall be considered in  
23 determining whether or not there are adequate road facilities for this Project in accordance  
24 with Section 22 of this Code. In the event that is a determination of sufficiency, any Certificate  
25 of Concurrency reservation issued by the Planning Zoning Director for the Project must include  
26 a condition prohibiting the issuance of a Development Order until a covenant is recorded in  
27 the Public Records of Palm Beach County as outlined in the paragraph below.  
28 ...

29 **PART 2. CAPTIONS:** The captions, section headings, and section designations used in this  
30 ordinance are intended for the convenience of users only and shall have no effect in the  
31 interpretation of the provisions of this ordinance.

32 **PART 3. REPEAL OF LAWS IN CONFLICT:** All local laws and ordinances applying to the  
33 unincorporated area of Palm Beach County in conflict with any provision of this ordinance are  
34 hereby repealed to the extent of any conflict.

35 **PART 4. SEVERABILITY:** If any section, paragraph, sentence, clause, phrase, or word of this  
36 ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such  
37 holding shall not affect the remainder of this ordinance.

38 **PART 5. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE:** The provision of  
39 this ordinance shall become and be made a part of the Unified Land Development Code of  
40 Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered  
41 to accomplish such, and the word "ordinance" may be changed to "section," "article," or any  
42 other appropriate word.

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1 **PART 6. EFFECTIVE DATE:** The provisions of this ordinance shall become effective upon  
2 filing with the Department of State.

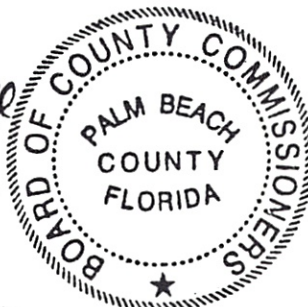
3 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach  
4 County, on the 28th day of September, 1999.

5 **ATTEST:**

6 Board of County Commissioners  
7 DOROTHY H. WILKEN

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

8 By: Quinn F. Moree  
9 Deputy Clerk



By: Manda Ford Lee  
Chair

10 **APPROVED AS TO FORM AND**  
11 **LEGAL SUFFICIENCY**

12 By: Robert P. [Signature] 10/1/99  
13 County Attorney  
14

15 **EFFECTIVE DATE:** Filed with the Department of State on the 7th day of  
16 October, 1999, at \_\_\_\_\_ m.

17 U:\ZONING\CODEREVIEW\ORD\ORD99\Adoption 9-28-99\whole ord3.wpd

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on 9/28/99  
DATED at West Palm Beach, FL on 10/14/99  
DOROTHY H. WILKEN, Clerk  
By: Phyllis A. House D.C.

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